

ATTACHMENT A

**A RESOLUTION ACCEPTING THE REPORT ON THE PRESENTATION ON
PROPOSED JORDAN LAKE NUTRIENT MANAGEMENT RULES**

Resolution No. 186/2006-07

WHEREAS, the Carrboro Board of Aldermen seeks to ensure that its existing and proposed policies and regulations are appropriate and beneficial, and;

WHEREAS, Syd Miller, of TJCOG, has prepared and presented materials related to the pending rules for Jordan Lake.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen accepts the report.



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Proposed Jordan Lake Nutrient Rules

May 1, 2007

The following description of the proposed Jordan Reservoir Water Supply Nutrient Rules (15A NCAC 02B .0262-.0272) is excerpted from the *Jordan Water Supply Nutrient Strategy and Rules* report to the NC Environmental Management Commission from the Division of Water Quality dated March 8, 2007.

15A NCAC 02B Rule Number	Rule Title
.0262	Watershed Nutrient Reduction Goals
.0263	Nutrient Management
.0264	Agriculture
.0265	Stormwater Management for New Development
.0266	Stormwater Management for Existing Development
.0267	Protection of Existing Riparian Buffers
.0268	Mitigation for Riparian Buffers
.0269	Options for Offsetting Nutrient Loads
.0270	Wastewater Discharge Requirements
.0271	Stormwater Requirements for State and Federal Entities
.0272	Riparian Buffer Mitigation Fees
.0311	Cape Fear River Basin (classification schedule)

Rule .0262, Watershed Nutrient Reduction Goals

This rule provides an overarching framework for the entire set of rules. Specifically it: describes strategy objectives; would reclassify the remainder of Jordan watershed as WS-V; would designate the entire watershed as a 'critical water supply watershed'; defines the three subwatersheds draining to Jordan Reservoir; defines the baseline time period and establishes N and P percentage reduction goals and corresponding lake loading targets, point and nonpoint source, for each arm relative to that baseline period; enumerates the set of rules designed to

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achieve the goals and lists the local governments to which certain rules would apply; details where these rules supercede the several existing water supply rules; provides an adaptive management framework following a period of implementation; acknowledges control of atmospheric nitrogen sources as absent from the proposed rules, and reserves interest in such rulemaking pending better science. Each subsequent Rule references parameters set forth in this Rule.

- Nonpoint source loading rate targets are included as rule-specific values to new development rules, where more appropriate.
- Lower New Hope arm has only “no increase” targets, at a minimum accounting would be needed to verify and maintain compliance with targets, and depending on changes in activities, implementation may be needed.
- Counties are subject to the existing development rule in addition to municipalities to achieve targets and accountability within each lake arm and address equity concerns.
- Clarifies how the rules would supercede existing water supply requirements.

Rule .0263, Nutrient Management

This rule provides planning and training options for fertilizer applicators. Applicators and consultants in the watershed would either attend nutrient management training offered by the Cooperative Extension Service or complete certified nutrient management plans for the lands to which they apply within five years. Homeowners and business owners would not be subject, but individuals hired by those persons and who apply fertilizer to a total of at least 10 acres per year would be.

Rule 0264, Agriculture

This rule establishes collective N and P reduction requirements for all persons engaging in agricultural operations in the Jordan Reservoir watershed. After two years, a Watershed Oversight Committee would determine if the collective N goal for each subwatershed has been achieved. If not achieved, Local Advisory Committees (LACs) would be formed and tasked with defining implementation strategies. Five years after the effective date, the Commission would determine if LACs have achieved individual and subwatershed N and P goals. If not achieved, the Commission would require additional BMP implementation designed to achieve the goals within eight years after effective date. P accounting would be qualitative in nature. Pasture accounting would be based on increases in BMP implementation. The Rule also defines BMP options, and establishes parameters for individually meeting Rule requirements. Annual reports would be required.

- Includes an option for the Watershed Oversight Committee to propose alternatives to the EMC after initial evaluation at 2 years.
- Trading rule allows agriculture’s participation.

Rule .0265, Stormwater Management for New Development

This rule would require all local governments in the Jordan watershed to develop and implement programs to require stormwater controls on new development activities to meet subwatershed nutrient loading rate targets. Developers would control nutrient export to minimum levels onsite, and could meet remaining reduction needs through in-lieu fee payment to EEP, or to local governments with a Division-approved local offset plan. Control of flows for stream protection would also be required. Development in existing water supply watersheds would also be required to comply with density-related treatment thresholds and density caps designed to protect local water supplies where they are more stringent. Within one year of effective date, the Division would submit a model local program to the Commission for approval. Within another six months, local governments would submit programs for Division review and subsequent Commission approval. Within two and a half years after the effective date, local programs would be implemented. Annual reports would be required.

- Includes acreage thresholds for new development (Item (3)).
- Incorporates nonpoint source loading rate targets to make them specific to this rule and consistent with methods used to date, and includes clarifying explanatory language that may allow refinements during implementation.
- Includes offsite loading rate thresholds for consistency with other programs, to provide for reasonable onsite measures, and to avoid overtaxing EEP.
- Includes offsite options.
- Incorporates BMP design criteria, including water supply requirements that remain applicable.

Rule .0266, Stormwater Management for Existing Development

This rule would require all local governments to implement loading reduction measures on existing developed lands toward long-term load reduction targets for those lands. They would conduct feasibility studies, and then submit program proposals for Division and Commission approval within three years after effective date. Programs would propose implementation rate, nature and overall timeframes envisioned. Programs would be implemented within four years of rule effective date. Programs for public education and illegal discharge detection and elimination are to be implemented within two and a half years. Annual reports would be required.

- Counties would be subject.
- Explicitly credits BMPs implemented post-baseline as reductions
- Explicitly counts load increases from post-baseline development in reduction needs.
- Includes explanation of types of activities that could be credited as load-reducing.
- Includes criteria for content of local program submittals to provide an understanding of expectations.

Rule .0271, Stormwater Requirements for State and Federal Entities

This rule would establish parallel stormwater control requirements for state and federal entities to those imposed on local governments under rules .0265 and .0266. Requirements address both new and existing development and call for education and illicit discharge elimination programs. Annual reports would be required.

- Specifies that the Division would approve DOT projects.
- Parallels local government stormwater rules.

Rule .0267 & .0268, Protection of and Mitigation for Existing Riparian Buffers

This rule would require local governments to protect existing vegetated riparian areas 50 feet wide adjacent to intermittent and perennial streams, lakes, and ponds in the Jordan watershed. The first 30 feet adjacent to waters would be largely undisturbed forest, while the outer 20 feet could be managed vegetation. Existing, ongoing activities within these buffers could continue, while a change in land use would invoke the protections. Certain uses of land within the buffer are identified as exempt, allowable, or allowable with mitigation, while uses not listed would be prohibited. It provides for mitigation where no practical alternatives exist, details variance requirements and forest-harvesting limitations, and would require local governments to ensure that new developments either avoid or mitigate buffer impacts. It would require local governments to make mitigation options available for certain activities based on avoidance and minimization criteria. Three mitigation options would be available: 1) payment to the riparian buffer restoration fund administered by EEP, 2) donation of property, or 3) restoration or enhancement of a non-forested riparian buffer.

- These requirements supercede existing water supply buffer requirements.
- Provides an allowance for recreational and accessory structures under 150 ft², with those over this threshold requiring mitigation.
- Establishes the Division as approval agency for activities on state and federal lands.

Rule .0272, Riparian Buffer Mitigation Fees

This rule establishes offset payment rates to the Riparian Buffer Restoration Fund for buffer impacts deemed 'allowable with mitigation' under Rule .0267. This rule would not be exclusive to the Jordan nutrient strategy, and would enable uniform future changes in buffer offset fees across multiple basins. The Division has initially calculated the rate as \$.70/ft² (\$30,492/acre) to reflect actual costs based on a more extensive cost record from EEP.

Rule .0269, Options for Offsetting Nutrient Loads

This rule would provide parties subject to the various rules – new development, existing development, State and Federal stormwater entities, agriculture, and point sources – options for

alternative, offsite sources of loading reduction in addition to the EEP option. It would require each to meet minimum onsite standards before seeking credit elsewhere. It sets criteria for those seeking to sell excess reductions, and would require Division approval.

- Establishes onsite prerequisites and clarifies roles of buyers vs. sellers.
- Includes agriculture as a party that may provide or seek reduction credit.

Rule .0270, Wastewater Discharge Requirements

This rule would distribute the entire point source annual N and P mass loading goals for each arm in the form of annual mass allocations to existing dischargers within each of the three subwatersheds. Discharge concentration equivalents at full flow range from 3.04 mg/L TN and 0.23 mg/L TP in the Upper New Hope Arm to 5.30 mg/L TN and 0.67 mg/L TP in the Haw River Arm. By comparison, requirements for lower Neuse dischargers equate to 3.71 mg/L TN and 2.0 mg/L TP. As in the Neuse, includes provisions for new and expanding dischargers, an option for group compliance and in-lieu offset fees to EEP for cap exceedence, and an option for transfer of allocation among individual dischargers. It would also require optimization of existing facilities, and would improve protections against localized water quality degradation.

- Requires P compliance by first year after effective date or rule (2009?).
- Requires N compliance by 2016 permit renewal year.
- Assumes Pittsboro's permitted flow limit is 2.25 mgd.
- Includes allocation change criteria.

Rule .0311, Cape Fear River Basin (classification schedule)

This rule would formalize reclassification of the non-WSW half of Jordan watershed to WS-V.



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MEMORANDUM

Date: March 16, 2007

To: Local governments in the Jordan Lake watershed

From: Sydney Miller, Water Resources Program Manager

Subject: Proposed Jordan Lake nutrient rules dated March 8, 2007 and fiscal analysis dated March 2007

I have read through the latest drafts of the proposed *Jordan Reservoir Water Supply Nutrient Rules* and *Fiscal Analysis: B. Everett Jordan Reservoir Water Supply Nutrient Strategy*. Staff at the NC Division of Water Quality has clearly made a good-faith effort to prepare the fiscal analysis.

I have prepared some comments, generally from the perspective of local government. Do not construe my comments to represent the opinions of any local governments or their staffs. The opinions in this memorandum are my own. Furthermore, I am certain that I have missed important points within both the rule and the fiscal analysis. Additional reviews would only improve our consideration of the rule and the fiscal analysis.

My comments pertain to both the proposed rules and the fiscal analysis. I have included citations within my comments in an abbreviated format. ".026X" refers to a rule within 15A NCAC 02B .0262-.0272. "FA Chapter X" refers to a chapter of the fiscal analysis.

1. Watershed Nutrient Reduction Goals – The rule (.0262 (6)(a)) states that "rules .0265, .0266, .0267, .0268, and .0269 shall apply to all incorporated municipalities within the Jordan watershed as identified by the Office of the Secretary of State." However, the rule goes on to state that "those municipalities shall include:" and provides a list of municipalities. The rule should be clarified to indicate that the list is meant only as an example, and that the phrase "shall apply to all municipalities within the Jordan watershed as identified by the Office of the Secretary of State" controls. Newly incorporated municipalities within the Jordan Lake watershed, and municipalities previously outside of the Jordan Lake watershed but that annex property within the Jordan Lake watershed, should become subject to the rule.

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2. Agriculture – The relationship between the purpose the rule (.0262 (1)) and the standard BMPs to be implemented (.0264 (7)) is unclear. This is especially true in consideration of the statement that “implementation may have occurred at any time before, during, or after the baseline period.” It would seem that the probability of reducing nutrients from agriculture sufficiently to achieve the nonpoint source nutrient targets under this rule is small. This undermines the nonpoint source nutrient reduction strategy as a whole. Furthermore, agricultural sources generate nitrogen credits by implementing any BMP in addition to the list provided in .0264 (7)(a). By providing a threshold to generate nitrogen credits that bears no relationship to the nutrient reduction targets, agricultural sources may be generating spurious credits, further undermining the nonpoint source nutrient reduction strategy.
3. Stormwater Management for New Development
 - a. The fiscal analysis makes the assumption (FA Chapter 4, p.43) that because “almost all municipalities in the watershed are subject to Phase II requirements and are to implement new development programs beginning mid- to late 2007,” and because “virtually all remaining municipalities fall within water supply watersheds and implement WSW stormwater programs,” that Jordan municipalities will not incur “significant, quantifiable additional costs to implement this rule.” The Phase II and WSW stormwater programs do not have nutrient reduction requirements. Local governments will need new programs and resources to address the nutrient reduction requirements, so I question the validity of this assumption.
 - b. The fiscal analysis states that “much new development activity is likely to fall within municipalities’ planning jurisdictions. Thus, counties should not incur significant additional costs to implement this rule” (FA Chapter 4, p.43). Given the growth that seems to be occurring in counties like Chatham, I question the validity of this assumption.
 - c. The pay rate of \$36/hour (FA Chapter 4, p.44) used to quantify the cost of local governments contracting assistance in preparing ordinances seems rather low.
4. Stormwater Management for Existing Development
 - a. The rule includes the requirement that local governments conduct feasibility studies “to determine the extent to which the loading goals referenced in this Rule may be achieved from existing development within a local government’s jurisdiction through load reducing activities” (.0266 (3)(a)(ii)). What happens if any local government determines that implementing BMPs to reduce loading from existing development sufficiently to meet the nutrient reduction targets is not technically feasible?
 - b. BMP surface area calculations were increased by 15% to account for “slopes, etc.” (FA Appendix B, note 22, p.B-3). This may be a sufficient increase in BMP area to account for topography and site conditions. However, if the land cost calculation is based solely on the BMP footprint (which is true for the cost equations provided by the Ada Wassink and Bill Hunt, and A. Moran and B. Hunt references listed in FA Appendix B, notes 1 and 3, p.B-1), then the land costs do not include the cost of land sufficient to provide access to the BMP for maintenance and monitoring.
 - c. The land value estimate of \$78,000 per acre is based on a weighted average of property values in the City and County of Durham (FA Chapter 5, p.59). The properties used to calculate the weighted average included US Army Corps of Engineers’ land, NC

- university property, and road rights-of-way, none of which could be used by local governments for locating BMPs (FA Appendix B, table B-2, p.B-7). Because the land values for those property are lower than average, the weighted average of \$78,000 is likely to be lower than the land costs faced by local governments in implementing this rule, despite the use of “true” land values described in note 2 (FA Appendix B, note 2, p.B-2).
- d. The fiscal analysis calculates the total lifetime cost for all BMPs needed to achieve nutrient reductions based on a proportion of different BMPs. The proportions of different BMPs is based primarily on relative cost effectiveness, with the weighting adjusted somewhat based on local government input (FA Chapter 5, p.60). The selection of BMPs implemented has a very large effect on the total cost of implementing this rule. We will not know what the likely selection of BMPs will be until local governments have completed their feasibility studies and implementation plans. Therefore, we will not have a better idea of total cost until three years after this rule has been adopted.
 - e. The fiscal analysis states that “reduction needs for one nutrient will overtrear for the other by some amount” (FA Chapter 5, p.61). More specifically, the analysis assumes that “significant excess phosphorus reduction would be achieved in meeting nitrogen needs.” The analysis then calculates a “total revenue potential in meeting baseline reduction needs as approximately \$7.6 million.” The Jordan Lake nutrient strategy requires significant reductions in both Total Nitrogen and Total Phosphorus. Because nonpoint sources must achieve reductions in Total Nitrogen, BMPs to reduce nitrogen must be implemented. BMPs that reduce nitrogen would also reduce phosphorus, but credit for one nutrient cannot be traded for a needed reduction in the other nutrient. Phosphorus credits only have value if there are buyers. The assumption of phosphorus over-treatment resulting in \$7.6 million of revenue potential is questionable.
 - f. One cost entirely missing from the fiscal analysis is the loss of tax revenue to local governments. The cost calculation for installing BMPs includes the cost of purchasing land, but not the cost of the lost tax revenue once the land becomes public property. Local governments will lose those tax revenue streams forever. Calculating the net present value of the lost tax revenues could result in a significant cost.
5. Protection of Existing Riparian Buffers
 - a. The list of affected local governments (FA Chapter 6, p.86) does not include the municipalities of Ossipee and Swepsonville identified in the rule, .0262 (6)(a).
 - b. The pay rate of \$36/hour (FA Chapter 6, p.87) used to quantify the cost of local governments contracting assistance in preparing ordinances seems rather low.
 6. Offsetting Nutrient Loads – The rules for new development (.0265 (3)(a)(vi)), new wastewater dischargers (.0270 (6)(a)(ii)), expanding wastewater dischargers (.0270 (7)(a)(ii)), wastewater discharge group compliance associations (.0270 (9)(h)), new development by non-NCDOT state and federal entities (.0271 (3)(a)(vi)), and new development by NCDOT (.0270 (4)(c)) allow for payments to the NC Ecosystem Enhancement Program as provided in Rule 15A NCAC 2B .0240 to partially offset their nitrogen and phosphorus loads. The NC Ecosystem Enhancement Program is a statewide organization. Any projects paid for with offset payments from a given Jordan Lake subwatershed, but are implemented by the NC Ecosystem Enhancement Program outside of

that subwatershed, reduce the probability of achieving the nutrient reduction targets for that subwatershed.

7. Division of Water Quality Rule Implementation – The fiscal analysis frequently assumes that the cost of implementation for the DWQ would be \$0, because “tasks would be integrated into existing workloads” or “the Division would rely on existing resources to implement the rule” (e.g., FA Chapter 4, pp.45-46; FA Chapter 5, pp.69-70; and FA Chapter 6, pp.89-90). To my knowledge, the DWQ does not currently have idle staff. Implementing this rule will either require increasing staff and resources, redirection of staff and resources currently directed to other programs, or a failure to properly implement the rule. In any case, there is a cost.
8. Cost Calculations in General – The fiscal analysis calculates total costs for implementing rules .0264, .0265, .0266, .0267, .0270, and .0271 for the years 2009-2013. The fiscal analysis also calculates the “full cost” of implementing the stormwater rule for existing development (.0266) and the stormwater rule for state and federal entities (.0271), defining the full cost as a 30-year period. The fiscal analysis does not include an inflation rate in its calculations. The fiscal analysis also does not use a net present value approach, which could be particularly useful for analyzing the costs of long-term programs.


In summary, the proposed rule for agriculture and the provisions for offset payments to the NC Ecosystem Enhancement Program seem to reduce the probability of achieving the nutrient reduction targets for Jordan Lake. The fiscal analysis seems to provide reasonable cost estimates for most of the rules, but may underestimate the cost of the stormwater management rule for existing development; I doubt that the fiscal analysis over estimates the cost. We will not have a better idea of total cost until local governments have conducted feasibility studies and developed implementation plans. The proposed rules will certainly be costly to implement and there are elements within the rules that seem contrary to achieving the objectives.

Should the Environmental Management Commission and the NC General Assembly choose to implement these rules, the state must provide financial assistance to local governments. Local governments throughout the watershed will bear significant costs in implementing these rules, yet most of the local governments and their citizens do not benefit directly from Jordan Lake. This disparity between who pays and who benefits provides a clear role for state government. Furthermore, the state and local governments will not be able to rely on funding from existing grant programs and trust funds, all of which have state wide demands and all of which are already over-extended. The NC General Assembly will have to appropriate funds from the general budget specifically for implementing the Jordan Lake nutrient rules, or dedicate a stream of revenue specifically for that purpose. If we accept the fiscal analysis costs as a starting point, local governments face a cost of implementation at a minimum of \$611,598,000.¹ The General Assembly should commit to building a fund for Jordan Lake nutrient management and contribute at least \$40 Million per year to the fund over the first ten years of implementing the Jordan Lake nutrient rules.

¹ Total local government implementation cost = \$48,000 for new development + \$403,000,000 for existing development + \$1,550,000 for riparian buffer protection + \$207,000,000 for wastewater (FA Executive Summary, pp.viii-ix)


**Jordan Lake
Nutrient Management Strategy**

Carrboro Board of Aldermen
May 15, 2007

Sydney Paul Miller 


Presentation

- How did we get here?
- Where are we now?
- What comes next?

Sydney Paul Miller 

How Did We Get Here?

- Nutrient Sensitive Waters
- TMDL

Sydney Paul Miller 

Nutrient Sensitive Waters

- 1983 Nutrient Sensitive Waters designation
 - DWQ imposed 2 mg/L phosphorus limits for WWTPs
 - DWQ began using NPDES permitting to assign even more stringent limits to UNHA WWTPs
- 1997 Clean Water Responsibility Act (HB 515/SL 1997-458)
 - Act imposed 2 mg/L TP limit for WWTPs
 - Act imposed 5.5 mg/L TN limit for WWTPs
- 1998 Extend Compliance Date (SB 1366/SL 1998-212)
 - Act allowed time for monitoring, modeling and compliance
 - Act required calibrated nutrient response model for extension

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TMDL

- 2002 303(d) List
 - Developed by DWQ and approved by US EPA
 - Upper New Hope Arm impaired for chlorophyll *a*
 - Total Maximum Daily Load required by EPA under Clean Water Act
- 2006 303(d) List
 - Upper New Hope Arm impaired for chlorophyll *a*
 - Lower New Hope Arm impaired for chlorophyll *a*
 - Haw River Arm impaired for chlorophyll *a* and pH
 - TMDLs promised by 2008

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Where Are We Now?

- B. Everett Jordan Reservoir, North Carolina Phase I Total Maximum Daily Load (April 2007 draft)
- Jordan Reservoir Water Supply Nutrient Rules (March 2007 draft)
- Fiscal Analysis: B. Everett Jordan Reservoir Water Supply Nutrient Strategy (March 2007 draft)

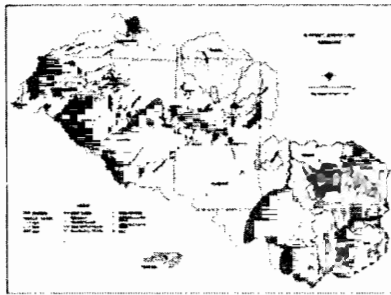
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Nutrient Management Strategy

- Lake segments and Associated Watersheds
- Nutrient Targets
- Point Sources and Nonpoint Sources
- State Rules

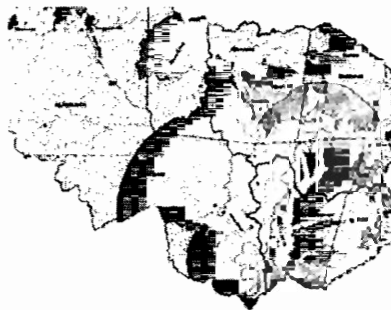
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Lake Segments and Watersheds



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Lake Segments and Watersheds



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Nutrient Targets

- Upper New Hope Arm
 - 35% TN reduction
 - 5% TP reduction
- Lower New Hope Arm
 - 0% TN reduction
 - 0% TP reduction
- Haw River Arm
 - 8% TN reduction
 - 5% TP reduction

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Point and Nonpoint Sources

- UNHA Point Sources
 - 3.04 mg/L TN
 - .23 mg/L TP
- HRA Point Sources
 - 5.30 mg/L TN
 - .67 mg/L TP
- New or Expanding Point Sources
 - 3.0 mg/L TN
 - .18 mg/L TP
- Nonpoint Sources
 - Rules

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Proposed Rules

15A NCAC 2B...

- .0262 Goals
- .0263 Nutrient Management
- .0264 Agriculture
- .0265 Stormwater - New Development
- .0266 Stormwater - Existing Development
- .0267 Riparian Buffers - Protection
- .0268 Riparian Buffers - Mitigation
- .0269 Options for Offsetting (Trading)
- .0270 Wastewater Discharge
- .0271 Stormwater - State and Federal Entities
- .0272 Riparian Buffer Mitigation Fees
- .0311 Cape Fear River Basin (Classification Schedule)

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General Strategy Concerns

- PS reductions alone cannot achieve targets
- NPS strategy requires significant N and P reductions from all sources
- TMDL and strategy depend on rules to manage NPS
- DWQ does not have sufficient staff to implement
- Rules do not address onsite wastewater, land application, or forestry

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Goals Rule Concern

- Applicability unclear for municipalities incorporated after rule adoption

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Agriculture Rule Concerns

- Requires only implementing any of a list of standard agricultural BMPs
- No reductions required relative to the baseline period
- Questionable connection between nutrient targets and implementation
- Potentially generates spurious N credits

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New Development Rule Concerns

- Local governments will probably need new programs and staff to implement
- Triangle has counties experiencing significant growth outside of municipal planning areas
- Fiscal analysis may underestimate costs

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Existing Development Rule Concerns

- Cost and feasibility will not be known until local governments complete studies
- Unclear what happens if local governments determine reduction targets unfeasible
- Any development occurring after 2001 and before rule implementation treated as existing development

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Existing Development Rule Concerns

- Fiscal analysis may underestimate costs
- Fiscal analysis assumes P over-treatment will produce revenue
- Fiscal analysis ignores tax revenue lost from land purchased for BMPs

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Riparian Buffers Rule Concerns

- List of subject local governments inconsistent with list provided in Goals Rule
- Fiscal analysis may underestimate costs

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Nutrient Offset Rule Concern

- Nutrient offset payments to EEP may pay for projects implemented outside of watershed

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Wastewater Discharge Rule Concerns

- Optimization is not defined
- Relationship between NPDES permitting and implementation schedule in rule is unclear

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Major Concerns

- NPS strategy may be undermined by agriculture rule and provisions for offset payments to EEP
- Fiscal analysis estimates local government cost at \$611,598,000 which may be an underestimate
- Cost and feasibility of existing development rule will not be known until local governments complete studies
- Any development occurring after 2001 and before rule implementation treated as existing development

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Major Concerns

- Unclear what happens if local governments determine reduction targets unfeasible
- NPS strategy and TMDL fail if rules do not address all sources of nutrients
- NCGA must commit to helping fund implementation

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What Comes Next?

- Rule adoption
- Local government implementation
- Use Attainment Analysis?

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Rule Public Comment

- EMC approved DWQ to solicit public comment
- Publication in NC Register (June 15, 2007?)
- 60-day comment period
- Public hearings (late June/early July 2007?)

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Rule Adoption

- Public hearing officers' report
- EMC rule adoption
- Rules Review Commission review
- NC General Assembly (2008?)

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Local Government Implementation

- Stormwater management for existing development
 - public education, mapping, illegal discharge (2010?)
 - feasibility study and implementation plan (2011?)
- Stormwater management for new development
 - adopt ordinance, commit staff resources (2011?)
- Existing riparian buffer protection
 - adopt ordinance, commit staff resources (2009?)

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Use Attainability Analysis?

- EPA process under Clean Water Act
- Determine whether feasible to achieve state water quality standards for Jordan Lake
- Develop site specific nutrient standards if statewide standards are not attainable

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Information

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