

Nutrient Scientific Advisory Board Meeting #20 Minutes

Friday, July 6, 2012

TJCOG - 4307 Emperor Blvd, Durham NC, 27703

9:30 am -12:00 pm

Attendees

Members: Charles Brown (Matt Flynn's alt), John Cox, David Phlegar, Trish D'Arconte, Kathy Debusk (Bill Hunt's alt), Andy McDaniel (Matt Lauffer's alt), Josh Johnson, Grady McCallie (& Maggie Monost, alt), Larry Band, Michael Layne

Non-Members: Andy Sachs (facilitator), Jason Robinson (DWQ), Rich Gannon (DWQ), John Huisman (DWQ), Adugna Kebede (DWQ), Robert Patterson (DWQ), Sarah Bruce (TJCOG), Tom Davis (Orange Co), Sandra Wilbur (Durham), Haywood Phthisic (LNBA), Cy Stober (PTRC)

Agenda

- Remodel Process
- Feedback on July 2012 Report to Secretary
- Potentially Creditable Nutrient Load-Reducing Practices

Material

- Sample Consultant Evaluation Sheet

Convene

- Board members and guests introduced themselves.
- The minutes for May's meeting were approved. Minutes from the June meeting will be emailed to the group.

Remodel Process

- The Board requested the Statement of Qualifications (SOQs) be posted on the website.
- Rich gave a brief summary of the selection process and a conflict of interest issue:
 - A small but strong pool of SOQs was received.
 - There was full participation by the Board's Selection Panel in reviewing the SOQs and interviewing the applicants
 - A potential conflict of interest was identified by a panel member: A member of the Board was included in one of the consultant's project team. After discussion with the EMC attorney and reviewing the State Ethics Act and considering how the public may perceive this, the panel came to the conclusion that the Board member should be removed from the team. The consultant was contacted and agreed to remove the Board member from their team.
- Trish gave a brief presentation on the consultant selection process and provided the Panel's recommendation to the full board:
 - Four SOQ's were received
 - Panel members contacted the references of each consultant.
 - Three consultants were chosen to interview on June 27th: TetraTech, Limnotech, and RTI

- Evaluation sheets were used by each panel member to rank each consultant in four categories identified in the RFQ. A sample evaluation sheets was passed out to the Board (attached). Panel members totaled their category scores for each firm and ranked them by total score. The panel then reconvened to share and discuss their assessments. Trish will provide the individual score sheets to the group.
- TetraTech was unanimously chosen by the Panel. The following are reasons for selecting TetraTech based on the four categories they were evaluated on.

Project Logistical and Content Approach, including Availability

- Tt did not pre-select a type of model and will provide a matrix of different models and the benefits and shortcoming each model, and discuss this matrix with the group to decide on a model that will best meet the group’s needs. Tt has a template process for model selection and scope development.
- Tt soundly addressed the set of tasks to be accomplished and outlined their intended approaches clearly.
- They demonstrated complete comprehension of sound and proven modeling principles and approaches, and exercises sufficient flexibility in addressing the issues and problems raised in the proposal.
- Tt has attended many of the Board’s meetings and is well aware of the needs of the model and the Board’s concerns and fashioned their preliminary plan to address the Board’s issues by bringing in expertise and proposing technical approaches or processes accordingly, including the budget and time limitations. Tt will be able to “hit the ground running” because of their knowledge of the Board’s needs.
- They do not plan to use proprietary modeling products, and therefore all of the model source code will be made available, as stipulated in the RFQ.
- Tt explicitly understands the need to be able to have hydrologic response areas tagged to land use, subwatershed, and jurisdictions for purposes of allocation.
- Tt understands the need for transparency and documentation of the watershed model development and uncertainty analysis.
- They understand the desire to possibly link the model to the new development accounting tool, and has brought in expertise to address this.
- Tt understands the challenges that the existing GIS data presents and have a well-thought-out proposal for that.

Team Member’s Qualifications

- The members of the team are highly qualified.
- The team members have ample area-specific experience pertaining to the different components of the project (e.g. hydrology, water quality, project management, data analysis, and modeling)
- Tt has a separate division specifically to handle stakeholder meetings.
- Tetra Tech literally “wrote the book” on model selection and provided training to EPA staff regarding this.
- Tt has a GIS specialty division that does the kind of LULC work that the Board is interested in.
- Tt developed the original Jordan watershed model and has the most intimate knowledge of its shortcomings.

Past Performance

- Tt developed a TMDL and provided development support for a watershed improvement plan for Chesapeake Bay. The project had a very large scope and many deliverables. Representatives for the project were contacted and expressed satisfaction in Tt's performance on the project.
- Tt's performance in EPA/DWQ's High Rock Lake Watershed Model project didn't receive a high evaluation by some closely involved in this project. For the most part, Tt has assembled a different team to perform the current project. The Panel plans to discuss this with Tetra Tech. (This project was not a reference suggested by Tt.)

Experience, Including Area-Specific

- Tt has area-specific experience in the State and in the piedmont regions, including the original Jordan watershed model. They also have experience in the Chesapeake, which has a similar ecosystem and similar concerns.
 - Most of Tt's staff is local.
- The Board discussed the Panel's recommendation and unanimously voted to recommend that DWQ select Tetra Tech to develop the watershed model. Dr. Band didn't vote because of his previous involvement with one of the consultants.
 - DWQ will bring this recommendation back to Division staff and seek a consensus. If a consensus is reached internally, then TJCOG will be notified, who will notify all applicants of the selection. Meetings with TetraTech and the Scope-Panel will begin. The Scope-Panel consists of Trish, Grady, Larry, Andy M, John C, Jason and Rich. The first meeting with TT is scheduled for June 20th.
 - Heather Saunders gave the Board a brief overview on the request for the availability of data from local governments. A spreadsheet listing 44 types of data was sent to local Jordan government representatives. They were asked to mark which data sets they had and the accuracy of these data sets. Ten local governments have completed and resubmitted the spreadsheet.
 - Rich Gannon gave an update on the Jordan New Development Rule:
 - Two bills were introduced in the General Assembly concerning the implementation date of local Jordan New Development programs. If the bills become effective, they will delay the required implementation of the rule until August 2014, two years later than the original implementation date.
 - Local governments still have the authority to adopt their programs earlier.
 - Any development constructed before new development programs are implemented will be considered existing development. Existing development that does not have stormwater treatment measures will be added to a local government's existing development loads under the Jordan Existing Development Rule.
 - Model Implications: The legislation potentially prolongs the date that existing development can occur until August 2014, but the model will move forward now with the most recent data available, which will increase the extent of existing development not captured by the model.
 - Trish raised the point that it will be important to keep track of when local governments adopt their New Development programs.
 - Dr. Band and Michael suggested that guidance be developed for this scenario. Rich responded that the guidance document that was developed and discussed by the Board months ago will continue to be updated and guidance on this situation will be added.

Feedback on July 2012 Report to Secretary

- The Board was asked to provide any feedback on the Annual Report that was submitted to the Secretary on July 2nd. Rich mentioned that comments that John Cox made on the draft report were incorporated into the final draft. This included adding the tables of potentially creditable measures that the Board has developed (Tables 2a-2-3?, particularly the wastewater measures).

Potentially Creditable Nutrient Load-Reducing Practices

- Jason will update Table 2a – 2e to reflect the revisions to these tables that were included in the July Annual Report to the Secretary.
- The Board was asked what was missing from the tables.
 - Andy M stated that there will be measures that will be needed to be added in the future.
 - Dave suggested adding measures that have to be done under NPDES permits such as industrial education.
 - Grady suggested considering the hydraulic matching of stormwater runoff volume, in addition to peak flow requirements. Sandra mentioned that LID is mentioned that the Falls rule refers to the LID chapter of the Division’s BMP manual. Cy Stober referred to PTCOG’s Nutrient Source Book that has an example of Huntersville’s ordinance that requires that hydrographic targets are met for commercial development.
 - Overtreatment of new development and redevelopment was discussed. It was noted that this is already in the table. It was clarified that local governments requiring overtreatment would receive the extra credit, while developers voluntarily overtreating would receive the extra credit that they could sell.
 - Andy M suggested that “Source Control” in Table 2d should be separated into “pet waste ordinances” and “fertilizer ordinances”.
 - The point was brought up that local governments have direct control over measures like street-sweeping, but do not have enough manpower to enforce measures like pet waste and fertilizer ordinances. Therefore, it would be hard to assign an accounting framework for the latter examples. It was suggested that research would have to be used, and a conservative accounting framework would need to be developed that assumed a certain percentage of non-compliance.
 - It was clarified that overtreatment of wastewater discharge beyond the rule requirement can be traded among WWTPs.
 - There was a question about who would get credit for the improvement or elimination of septic tank discharges, since they’re under the jurisdiction of counties. It was suggested that the funder of the project would get credit, and credit may be split on joint projects. This would be the same as someone buying an easement on agriculture land and funding buffer restoration to generate credits.
 - Dave suggested changing the title of Table 2d to Potential Programmatic *Measures*, since they’re not actual structural *practices* and suggested credit for Phase II programmatic measures, e.g. Fats, Oils and Grease.
 - The BMP Sub-Committee will be made up of Kathy D, Josh J, Dave P, Rich G, Jason R, and maybe John C. The facilitator questioned the Sub-Committee’s charge. It was clarified that they will be looking at the ideas that the full Board has been discussing and determine which ones have the most research available that can lead to a crediting scheme. The research needs to be compared to the cost-effectiveness and practicality of the measures. They need to be prioritized according to which ones could have creditable accounting developed in the near-term. Some Board members may be more

aware of research and leads, and should submit this to the sub-committee. It was recognized that there is little to no research on many of these measures. The Division recognizes this and is considering putting up 319 money to fund research on some of these measures. The goal is to include as many measures in the July 2013 model program as possible.

- The facilitator questioned Kathy D and Larry (researchers) about how research should be started. Kathy explained that it would be a massive undertaking that would involve doing a large literature review to find all the studies and digest the caveats of each study. The regions of the study should also be considered. Dave mentioned the time it's taken to get new practices added to the BMP manual, such as permeable pavement. Larry suggested that best professional judgment should be used with margins of safety commensurate to the uncertainties around a given practice's numbers. Research done in the Chesapeake Bay should be looked at.

Potential Future Agenda Items

- Tetra Tech to present.
- Revisit Table 2 and Load-Reducing Measures Sub-Committee's charge

Future Meeting Dates

- Thursday, August 9^h, 9:30-12:30 at TJCOG
- Unless specifically rescheduled, the first Friday of each month, 9:30 – 12:00 at TJCOG.