

# Nutrient Scientific Advisory Board Meeting #16 Minutes

Friday, March 2nd, 2011

TJCOG - 4307 Emperor Blvd, Durham NC, 27703

9:30 am -12:00 pm

## Attendees

Members: Dr. Larry Band, Charles Brown (Matt Flynn's alternate), John Cox (& Michelle Woolfolk, alt), Trish D'Arconte, Bill Hunt (& Kathy Debusk, alt), Andy McDaniel (Matt Lauffer's alternate), Maggie Monast (Grady McCallie's alternate), David Phlegar, Josh Johnson

Non-Members: Andy Sachs (facilitator), Jason Robinson (DWQ), Rich Gannon (DWQ), Aduigna Kebede (DWQ), Robert Patterson (DWQ), Trevor Clements (TetraTech), Melinda Clark (Wake Co), Alex Matos (Cardno ENTRIX), Sandra Wilbur (Durham), Sally Hoyt (UNC) Heather Saunders (TJCOG), Forrest Westall (UNRBA)

## Agenda

- **Discussion on Watershed Model Contracting Process**
  - Contract timeline
  - NSAB participation in consultant selection
  - Revised RFQ
- **Review and receive feedback for July Annual Report Outline**
  - Load reduction measures
  - Feasibility, costs and benefits
  - Accounting
  - Improvement needs to modeling and other tools

## List of Materials

- March Meeting Plan #16
- Remodel Request for Qualifications v2 2-27-12
- February NSAB Minutes - Meeting #15
- Second Annual NSAB Report Outline - 2-28-12
- Remodel Contract Timeline - 3-1-12 (updated version hard-copy passed out at meeting)
- Nutrient Load-Reducing Practices List - 3-1-12 (hard-copy passed out at meeting)

## Convene

- Board members and guests introduced themselves.
- January minutes were approved.

## Watershed Model Contracting Process

- **Contract Timeline**

DWQ provided a revised timeline (attached) and went through the steps of the contracting process. The timeline was dated March 1, 2012. DWQ is currently waiting for EPA approval of the proposed use of funds before circulating the same request internally for Department approval. Actual contract approval is another step. Board members agreed that the timeline

should include time for the Board, DWQ, and other peer review during and after the development of the model. The Board discussed when interim reviews should take place. The Board seemed to agree that a subset of SAB members should be identified that would be available for routine interaction with the consultant along with DWQ. Monthly presentations would hamper the progress of the contract. However, the consultant should update the full Board on occasion. At least after mid-way through the development of the model, the consultant should prepare formal documentation for panel and possibly full Board review at least twice. The model should be peer-reviewed after completion.

- **NSAB Involvement with Consultant**

After much discussion, the Board decided that two types of involvement with the consultant would make sense.

- The first would be a panel of interested members to participate in the interviews and selection of a consultant with TJCOG and DWQ staff. This panel would issue an official recommendation of a consultant to TJCOG and DWQ. Board members were asked to volunteer for this Consultant Selection Panel. John Cox, Andy McDaniel, Trish D'Arconte, and Dr. Larry Band volunteered.
- The second would be a working subset of members for the purpose of participating in negotiations with the selected consultant to decide details of the model, and for participating in frequent ongoing discussions with the consultant and review of the model at points during development. The timing could be left to the negotiations.

Other points of apparent agreement regarding the contract were:

- Consultant at some point(s) will likely need interaction with DWQ where timeliness or modeling expertise may dictate this kind of interaction as suitable.
- There needs to be a method for subject communities to review input data
- Scheduled consultant presentations to the working subcommittee would need to be fairly rough to avoid adding prohibitively to cost and time. Maybe no more than quarterly, consider doing at decision points.
- On the other hand, peer review of model products at defined points must be provided quality documentation to be effective.

## **Revised RFQ**

DWQ went through the revised RFQ that was emailed to the group (attached), particularly the changes that had been made in response to the Board's earlier discussions.

- DWQ has arranged to contract with TJCOG to administer the 319 grant, lead the outreach efforts and coordinate meetings. TJCOG will present at the Board's April or May meeting to discuss their role.
- It was reiterated that the contract will only require the consultant to train DWQ staff to use the model. Because of the limited timeframe and money, designing it for use by a broader audience would not be feasible. However, adequate documentation needs to be required of the consultant to allow technically equipped parties to utilize the model.
- DWQ needs to sit down with Dr. Band and others to get a clearer understanding of why TetraTech's model cannot be used to obtain jurisdiction allocations, and add this to the RFQ.
- The Board had extensive discussion on the scope of work, and whether the "scope" should be included in the RFQ, or if the "scope" would be determined during negotiations and go into the contract. The latter was decided, and the RFQ will instead serve as a "wish-list". Therefore, the

“minimum deliverables” section in the RFQ should be renamed “potential deliverables” or “desired minimum deliverables”.

- The document needs to clarify that DWQ will make the final decision on the modeling plan *in consultation with the Board*. The point was made that the Board needs to decide whether it wants to make a written recommendation to DWQ on the model plan or say nothing. This concern was not resolved.

## Second Annual Report to DENR Secretary

**Process, Overview of Content:** Rich reviewed a draft report outline that was emailed to the group (attached). He explained that the Session Law states that the NSAB shall report annually to the Secretary by July 1 of each year. The Session Law also states that the NSAB shall complete the tasks listed in 5.(b)(1)-(4) of [Session Law 2009-216](#) by July 1, 2012, but the Session Law does not state that the Board’s findings on these tasks need to be included in the annual report. Staff feels it would be prudent to include a write-up of findings as an attachment to the Board’s annual report. The attachment should describe the scope of measures currently available, the universe of potential measures, and priorities for potential addition in DWQ’s Model Stage 2 Existing Development Program that is to be submitted by July 1, 2013 to the EMC for approval. Staff considers the real target audience for the attachment of findings on available measures, costs, benefits and feasibility to be the parties subject to the existing development requirements, and the write-up should be aimed at them.

Rich proposed a schedule for the Board’s review of report elements leading up to July 1<sup>st</sup>. Today – review report scope as outlined, then available measures and associated accounting. April – costs, benefits, and feasibility. May/June – priorities for 2013. Rich walked the group through the report outline.

**Available Measures:** Members were provided an updated Table 1 and 2 of practices dated March 1, 2012, and Rich proposed recognizing the BMPs in Table 1 as those currently available and the accounting methods listed there, largely the Jordan/Falls tool, as the current best methods.

- In addition to the practices listed in Table 1, DWQ and Dr. Hunt of NCSU are currently in the process of researching permeable pavement in order to allow for its use statewide. Dr. Hunt explained that while the practice would likely not be approved in time for July, a draft would be available in mid-May. This should also be noted in the report attachment.
- In response to a Board member’s question, The Board requested that better explanation of DWQ’s riparian buffer restoration credit yield calculation be added to the foot notes of the table.

**Costs, Benefits, Feasibility:** Rich solicited cost-effectiveness sources beyond those used in DWQ’s fiscal analysis for the Jordan and Falls rulemakings. For benefits, he proposed that DWQ staff would rework previous load reduction values using the new Jordan/Falls tool. He felt that feasibility would be something that would require the judgment and input of affected parties.

- Board members identified WRRRI/NCSU’s urban stormwater consortium study on costs and benefits of retrofits as a key, current source. Kathy Debusk explained that a majority of concentrations are the same although some are different because the Jordan tool allowed more data that was screened, but wasn’t peer reviewed.
- Dave Phlegar identified Greensboro’s North Buffalo Creek study as a source, and recalled concerns raised during rulemaking over DWQ’s fiscal cost/benefit numbers.
- Dave identified Chesapeake Bay work as another potential source.

- A compilation of supporting studies should be included in the July 2013 EMC report.

There was lengthy discussion over how to approach the feasibility charge.

- One view was that “feasibility” can only be determined on a site-by site basis. DOT identified a study of theirs nearing completion in this regard. The DWQ BMP Manual was identified as providing site selection guidance specific to each BMP, something that could potentially be added to.
- Another perspective with some support was the feasibility of individual communities implementing meaningful numbers of given BMPs. The DeBusk WRRRI study was again identified as the best available source for such assessment, being current, region-specific, and on topic.

***Measures Approval Process:*** Related to feasibility, a discussion developed around the difficulty in getting DWQ approval of certain practices through the Division’s established process for proprietary practices. This will be a disincentive for local governments to pursue the use and study of unapproved practices and could bog down implementation rates. A need was expressed for DWQ to provide parties some advance confidence that practices would be credited to overcome the associated risk.

#### **Potential Future Agenda Items**

- Contracting Process / RFQ
- July Annual Report to Secretary

#### **Next Meeting**

- Unless specifically rescheduled, the first Friday of each month, 9:30 – 12:00 at TJCOG
- The next meeting is **Thursday, April 5th**

**Second Annual Report of the Nutrient Scientific Advisory Board  
To the Secretary, NC Department of Environment and Natural Resources  
July 1, 2012**

**Summary**

During the last year, the SAB:

- Developed the attached guidance for affected parties and others per 4b of SL
  - Available measures with associated accounting methods, feasibility, costs, benefits
  - Prioritized potential measures with associated needs
  - Modeling, analytical improvement needs for nutrient strategies
- Refined Jordan watershed model interests, shaped contract, selected consultant
- Identified Jordan SL implementation issues, obtained some clarifications from DWQ

**Background**

- SAB charged with SL 4b 1-4 + option to recommend other method for setting Jordan allocations
- Jordan and Falls Existing Development implementation timelines

**Highlights**

- Determined alternative method required to set Jordan allocations
- Took Jordan model recommendations as top priority, focused heavily on
- Developed RFP, RFQ, guided contract, selected modeling consultant
- Expansion on summary points above

**Next Steps**

- Pursue alternative/improvement to current best stormwater load tool
- Specifics to pursue to make priority potential measures viable
- Guide Jordan watershed model development
- Investigate needs for Falls allocation-setting using Falls watershed model

## Guidance for Affected Parties (per SL 4b 1-3)

Introduction – Currently available measures, improvements targeted for July 2013, improvements beyond 2013, modeling and analytical needs

### Available Measures

- Measures that can be used now
  - Table 1?
  - (Upcoming improvements to permeable pavement)
- Accounting – J/F tool (+ DF in Jordan) as current best planning tool
- Costs – DWQ has fiscal analysis figures. Other sources, approaches?
- Benefits
  - Tar tool N, P load reduction value ranges updated, mapped using J/F tool
  - Other benefits?
- Feasibility – DWQ sees this as requiring LGs' assessment, judgment

### Needs

- Improvements to current accounting
  - By July 2013
  - Beyond July 2013
- Potential refinements to available measures designs (Dr. Hunt)
  - By July 2013
  - Beyond July 2013
- Priority Potential Measures
  - By July 2013
  - Beyond July 2013

## Recommendations on Improving Modeling, Analytical Tools (per SL 4b 4)

Issues that would benefit from improved modeling, analytical tools