

Request to Adopt Hearing Officers'  
Recommendations on Proposed Nutrient Rules  
for Falls Reservoir

NC Environmental Management Commission  
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Hearing Officers

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# Strategy Development Process

- Modeling & TAC Meetings : 2005-2009
- Stakeholder Process: 2008-2010
- Fiscal Note Approval: June 2010
- Public hearings & comment: June – Aug 2010
  - 2 hearings: 217 attendees, 76 speakers
  - 629 unique commenters
- Hearing Officers 7 meetings in 2 months

# Key Challenges & Approach

## *Challenges*

- Unprecedented reduction needs
- Overall goals challenge current technology
- Existing Neuse Nutrient Strategy

## *Approach*

- Stage & Adaptive Implementation
- Consider new information - 5 year reports
- In 2025 evaluate full implementation of Stage I

# Public Comments Summary

- Lake users & environmental groups support
  - Prefer shortened timeline
- Local governments conditional support
  - Local Government Consensus Principles
- General agreement with Stage I
- Desire to see reevaluation of Stage II
- Achievability of goals (technology limits)
- Cost of implementation
- Consider alternative regulatory action

# Draft Falls Lake Rules

*(15A NCAC 2B)*

- .0275 Purpose and Scope (Goals)
- .0276 Definitions
- .0277 Stormwater – New Development
- .0278 Stormwater – Existing Development
- .0279 Wastewater Discharges
- .0280 Agriculture
- .0281 Stormwater State & Federal Entities
- .0282 Trading

# Amended Neuse Rules

*(15A NCAC 2B)*

- .0235 Neuse Stormwater Requirements
- .0315 Neuse River Basin

# Purpose and Scope .0275

- Framework for Set of Rules
  - Staged Implementation
  - Adaptive Management
  - Overall Reduction objectives: 40% TN 77% TP
- Hearing Officers:
  - Keep Stage I at 10 years
  - Added 2025 report - evaluate success of Stage I and implications for Stage II
  - *Made 2025 reevaluation report automatic*
  - *Added consideration for alternative methods*

# Stormwater, New Development .0277

- Post-construction runoff meet N & P rate targets
  - Offsite Options
- Hearing Officers
  - *Lowered land disturbance thresholds*
    - *½ acre residential*
    - *12,000 sq/ft commercial*
  - Adjusted onsite treatment criteria
    - 30% of N&P onsite: ½ - 1 acre residential
    - 30% of N&P onsite: 12,000 sq/ft - 1 acre commercial
    - 50% of N&P onsite: >1 acre
    - 30% of N&P onsite: redevelopment

# Stormwater, Existing Development .0278

- All LGs implement load reducing activities on existing developed land.
  - Stage I (Back to Baseline) / Stage II (% Goals)
- Hearing Officers
  - Added initial Stage II plan
    - Based on Stage I Level of effort
  - Revised approval standard
    - Jordan Legislation language “reasonable & cost effective”

# Wastewater Discharge .0279

- Reductions from Wastewater Dischargers
  - Mass limits – 3 large facilities in upper watershed
  - Stage I Allocations per 20% / 40% from aggregate
  - Stage II Allocations per 40% / 77% goals
  - Concentration limits - 2 facilities in lower watershed
- Hearing Officers
  - More equitable Stage I allocations for 20% / 40%
  - Added provision to submit Stage II Plan
    - How discharger will meet Stage II limits by 2036
    - Can propose alternate limit of technology standards
  - *Revised Stage II plan submittal date - 2027*
  - *Removed requirement to estimate when Stage II limits can be achieved*

# Agriculture .0280

- Ag collectively achieve reductions
  - Stage I 20% N 40% P – Stage II 40%/77%
  - Land application use RYE N rates and P Needs
  - Stage II individual buffer/exclusion
    - Conditional on non-compliance with Stage I
- Hearing Officers
  - Added 5-year timeframe for individual buffer / exclusion compliance
  - Clarified minimum buffer width of 20'
  - Scaled back P requirements for biosolids
    - Replaced application limits with reporting requirement: Soil Test P & P loading rates

# State & Federal Entities .0281

- Similar to New D. and Existing D. requirements for local governments
- NCDOT requirements
  - New Development
    - New DOT road projects meet buffer requirements
  - Existing Development
    - Minimum of at least 6 stormwater retrofits per year
- Hearing Officers
  - Parallel changes to New D. & Existing D.

# Trading Rule .0282

- Potentially more cost-effective option to sell/buy reductions across sources.
- Hearing Officers
  - Added clarification to meet requirements of .0240
  - Allowed Ag WOC to submit trading program for DWQ approval

# Fertilizer Management .0283

- Plan / Training option for Applicators
- Hearing Officers removed based on comments from technical experts

## *Reasons*

- Already conducted under Neuse FM Rule
- Many producers already under applying
- Resources needed outweigh benefits

# Neuse Rule Amendments

- Neuse Stormwater Requirements .0235
  - Falls lake requirements supercede Neuse rules for LGs located in Falls watershed
- Neuse River Basin .0315
  - Pockets within Falls watershed not classified WS  
Reclassification to WS-V
  - Designates Falls as Critical Water Supply WS
- No new buffer requirements
- Hearing Officers: - No Changes

# Questions

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TJCOG FALLS LAKE STAKEHOLDER WEBSITE

<http://www.fallslakestakeholder.org/>

PROPOSED RULES ON DWQ WEBSITE

<http://portal.ncdenr.org/web/wq/ps/nps/fallslake>