

NC Source Water Collaborative

August 22, 2014 Meeting Summary

Attendees

Anjie Ackerman, EEP	Rebecca Sadosky, DWR	Holly Denham, DWR
Tom Gerow, NC Forest Service	Cy Stober, PTRC	Keith Starner, NCRWA
Jay Frick, DWR	Susan Gale, NCFS	Jennifer Everett, DENR
Amy Keyworth, DWR	Anne Coan, NCFBF	Lisa Corbitt, Mecklenburg, Co
Debbie Maner, NCRWA	Julie Ventaloro, DEMLR	Christy Perrin, WRRRI
Phil Trew, HCCOG		

The meeting was called to order a few minutes after 10:30am, Julie Ventaloro provided housekeeping announcements. Introductions were made around the room and with Anjie Ackerman on the telephone.

Team Updates

Education Team Update

The team has not met since the last collaborative meeting in January. However, in the interim, a subgroup of the team has developed a Source Water Collaborative postcard as well as a one page source water protection primer that were distributed at the WRRRI conference in March.

Awards Team Update

The awards team has met several times since the last collaborative meeting. The awards program was announced at the WRRRI conference in partnership with NCWRA in March. The nomination form for the awards program along with supporting documentation is available on the NCSWC website. The team has created press release language to go out in support of the awards program. A schedule has been created to solicit, receive, evaluate, and announce the awards. **The team is seeking volunteers from the collaborative to serve on the judging panel.** Attendees were asked to email Rebecca offline. If needed, Rebecca will also be following up to recruit individuals to make up the 4-6 member panel. In addition, Rebecca will be following up with collaborative members with announcement language to share with various listservs they are on/responsible for.

DENR Rule Readoption Process Update

Jennifer Everett – DENR Rule Coordinator provided an update indicating that all rules in administrative code must be reviewed. Water quality and wetlands rules singled out to go first for public review.

All rules put out for public comment for 60 days.

Rules must be identified in three categories before posting.

- Necessary with substantive public interest – will go through formal rule making following 60 day comment period.
- Necessary without substantive public interest – Says at end of process rule will stay in code and not have to go through full rule making process.
- Unnecessary – will come out of code – look like it's been repealed.

Comments submitted on website that DENR created. All comments need to be reported to Rules Review Commission (RRC) on a specified schedule. RRC can move rules into another category based on comments with merit. Reports to go APO and then they can make the rule go into full on rule making.

Do rules hold during this process? Yes.

If there is a comment with merit, does the agency necessarily need to change language? No.

Why did NCDENR add a column for comment when other agencies have not gone into that detail with their websites? DENR wanted to try to be as thorough as possible.

Confusion about the comment section. Didn't know if comments were required now or if they should have submitted a comment now or will they be able to do it later.

Update on HB894

Jay Frick provided some background on the law. Intent to prevent/provide protection from situations like Charleston WV, coal ash, and wastewater spills. Rep Catlin is the bill's sponsor.

PWS Section had an opportunity to comment while the language for HB 894 was being developed. It was recognized that SWP planning alone would not prevent contamination events from occurring. The bill passed committee in June contingent upon questions being answered to limit its scope. The PWS Section submitted language regarding the scope but those suggestions were not included in the final bill. After inclusion in a technical corrections bill, the final language was signed by the Governor in August.

HB 894 will change the NC Drinking Water Protection Program's focus from a support program to a regulatory body. We will need to assist in the development of rules that will build standardization into the process and set expectations on plan elements, reporting, revision, and implementation.

The intent of the new legislation emphasizes emergency response, in stream monitoring (real time), and intensified regulatory oversight of chemical sites. There is a possibility that regulations assigned to other programs will be expanded. If so, there is a question of who is going to do that work. Who will be responsible for it? Who will lead various rule revisions to enhance regulatory authority?

Our section will need assistance as we approach rule-making. It is possible that Collaborative members can assist. What role can the collaborative play in this process? What role should it play? Participation would give the Collaborative a tangible activity to impact the future of SWP planning in the state.

Anne Coan with NC Farm Bureau volunteered to be a stakeholder. She also presented an argument as to why the Collaborative should not be the stakeholder team. It might be more appropriate for members to participate individually as stakeholders.

Collaborative members agree that the group would like to participate in something tangible. Collaborative members have unique knowledge, connections, and expertise to help with this process. There was good discussion related to this point.

The question arose as to whether this was an “unfunded mandate.” If this all falls on our small group, we won’t be able to do anything else. Also, is there any funding for FTEs or funding to assist local governments with implementation? We are prepared to ask for two new full time employees to help implement this legislation.

The new requirement for implementation was discussed. The prior SWP model relied on voluntary implementation. This could become expensive for some water systems. It was noted that development of local ordinances for local governments will be a huge amount of work if this is a mandated part of the process.

Cy Stober initiated discussion about the timeline. By April 1, 2015, the Public Health Commission must report back to the Environmental Review Commission. What will be presented at that time? We can possibly include the creation of a stakeholder team, a comprehensive list of issues, and progress toward developing rule language, etc.

General discussion on the burden expected on local entities. Implementation can be expensive, especially if real time monitoring is expected. Also, to be prepared for any chemical species at any concentration and at any streamflow condition might be unrealistic.

How many water systems will the law affect? Law will affect ~150 water systems.

Why not just update the water supply watershed rules?

Discussion emerged to suggest that the website be re-organized to help people get into contact with the correct people.

What do you see at the ways/roles the collaborative could play in this process? Get correct people on the list, brainstorm and organize list of questions, rule language process. We will need help with the research – what regulations are already out there? Does anything like this exist in any other state?

Will standardized format of plan be in rule language? Yes.

How many stakeholders? We definitely envision a lot of stakeholders because a lot of expertise will be needed. Also, there might be groups opposed to this bill due to the potential cost of SWP planning/implementation.

Anne – where would someone find a list of how to deal with each different topic relating to this law? The group agrees such a resource is needed.

The group briefly discussed how such a plan should look. The suggestion was made to look at Water Supply Planning process/implementation (Linwood Peele’s program).

Conclusion: SW Collaborative members are enthusiastic and have relevant concerns on how to move forward. It is likely that many of them will participate on an HB 894 stakeholder team.

Where do we go from here?

Julie Ventaloro lead a discussion to take the temperature of the collaborative.....interest has waned. Where should we go from here?

Index cards. Take 2. 1 – what are you proud of/what have we accomplished; 2 – what is missing or could go better?

Julie read our statement of purpose, mission and vision.

Positives	Negatives
Awards program	Long time to dev. governing documents
Branding/Logo	No tangible output from main group (creative)
Broad Representative/Collaboration	No statewide output - talk more than do
Voluntary	I don't know what we are trying to accomplish
Clearinghouse for SW Plans	Meetings necessary if no project
Learn/Network	Need database of other projects going on.
	\$ resources from DENR needed to drive
	What makes this group different group different from others?
	Would like more members to actively participate
	Outreach needed for local officials

Possible ways to proceed as suggested by Jay:

- a) Do we merge with another group?
- b) Do we disband?
- c) Do we reinvent ourselves as we are and tackle negatives?
- d) Do we reinvent ourselves and take on HB894?

Jay feels we need to produce something to be relevant.

Amy K. – when we pulled together we talked to folks from all the different areas and yet it seems like there is not good knowledge sharing between groups about what efforts are taking place around the state.

Definite interest in a collaborative group to talk about source water protection.

Need to revisit what's next on the brainstorming list from first year.

Need more cross pollination and discussion of what's next.

Some members would need to participate via conference call if more frequent meetings.

Need to consider leadership. If we are being pulled to deal with regulation, who is going to lead the group?

Feel like it's a "you", when it should be a "we". People may not feel ownership of the group.

See collaborative as a technical resource. Need to be run by us.

Does DWR have a technical advisory committee? No, we don't. Forestry Service does.

If we go technical then it may exclude certain members.

People need to feel like they have something to bring to the table.

HB 894 does not affect GW and that may also exclude people.

Maybe the stakeholder group should be a subgroup and be most active over the next year or so. Maybe then just have a large group meeting either 6 mos or annual.

Let's consider webinar format.

Silly to think our group can exist separately from HB894 activities.

We could develop tools after the rules are developed on how to support local governments. Provide tools. Tools may be more relevant and sought after because of the regulatory side of it.

Need to connect with local governments and private public water supplies about what tools they need to participate in rule making process as well as tools to help them develop and comply with the required plans.

Very fertile ground to help local governments.

How do we find stakeholders from collaborative? Members may have contacts and know the best resources.

Group still wants to meet at least every year or 6mos to keep general collaborative.

Idea about rotating leadership. Every quarter a different person would run the meeting and bring topics.

Will send out survey to all collaborative members.

Training and Education will certainly be needed. NCRWA has training and education group will certainly be interested.

Suggestion to have web meeting as well as setting a routine meeting date and time.

Follow-Up Actions

Team – please email Rebecca if you are willing to serve on the awards judging panel

Rebecca – will follow up with team members identified as a key contact to send out awards announcement to a particular group.

Rebecca – send out survey addressing the issue of where the collaborative should/will head.