

## ***Comparison Chart: Jordan Lake Rules, Neuse Rules, Tar-Pamlico Rules, NPDES Phase II***

*In their current form, these proposed rules are the strictest watershed rules to date in North Carolina with the inclusion of measures that will require retrofitting of existing development, stormwater management plan/program development in addition to the newly implemented NPDES Phase II stormwater. The rules are significantly more stringent and costly than the Neuse and the Tar-Pamlico Nutrient Management Strategy rules.*

The following chart displays the requirements of the Jordan Lake Rules and how they compare to other existing Nutrient Strategy and Stormwater Rules:

- Proposed Jordan Lake Nutrient
- Neuse River
- Tar-Pamlico Rules
- NPDES Phase II Rules

The following is a comparison chart of the Jordan Lake Rules, Neuse Rules, the Tar-Pamlico rules, and the recent NPDES Stormwater Phase II rules. Accompanying this chart are the Jordan Lake Rules edited to show the excessive measures when compared to existing nutrient control rules.

- **Red text** representing Jordan Rule requirements that significantly exceed the Neuse and Tar-Pamlico Nutrient Rules;
- **Blue text** representing requirements already covered under other existing regulations;
- ~~strikethrough~~ **strikethrough** text through all Jordan Lake measures that are either **unprecedented** or **significantly exceed** the existing Neuse and Tar-Pamlico Rules;
- **Green text** representing any language added to the document (minimal)



**Comparison Chart: Jordan Lake Rules, Neuse Rules, Tar-Pamlico Rules, NPDES Phase II**

Jordan Lake Rules	Neuse	Tar Pam	NPDES PHASE II
<p><u>The Lower New Hope arm</u></p> <p>baseline phosphorus load of 26,574 # /year,</p> <p>The phosphorus TMDL is capped at the baseline phosphorus load, and the resulting TMDL is 26,574 # /year. The initial point source mass load target is 498 # /year, and the initial nonpoint source mass load target of 26,078 # /year</p> <p><b><u>The Haw River arm</u></b></p> <p>Has a 1997-2001 baseline phosphorus load of 378,569 # /year a TMDL percentage reduction of 5 percent, and a resulting TMDL of 359,641 # /year. The initial point source mass load target is 106,001 # /year, and the initial nonpoint source mass load target of 253,640 # /year.</p>			
<p><b>.0262, Item (7). DWQ “Adaptive Management approach”</b></p>	<p>Not included in Rules</p>	<p>Not Included in Rules</p>	<p>Not Included in Rules</p>
<p><b>.0263 – Nutrient Management</b></p> <p>No significant differences</p>	<p>Included, no significant differences</p>	<p>Included, no significant differences</p>	<p>Not included</p>
<p><b>.0264 – Agriculture</b></p> <p>Similar to Neuse Rules with the exception of Item (4) found only in the Jordan Lake Rules</p> <p><b>Item (4) “This Rule does not require specific actions by any individual person or operation if the county or counties in which they conduct operations can otherwise achieve their initial nutrient reduction targets in the manner described in Item (5) of this Rule, within five years of the effective date....”</b></p>	<p>Similar</p> <p>With the exception of the Item (4) JLR rules</p>	<p>Similar</p> <p>With the exception of the Item (4) JLR rules</p>	<p>Does not address agriculture</p>
<p><b>.0265 New Development Rule</b></p> <p><b>Nitrogen and phosphorus loading rate</b></p> <p>2.2# /year and 0.82# /year in the Upper New Hope;</p> <p>4.4# /year and 0.78# /year in the Lower New Hope; and</p> <p>3.8# /year and 1.43# /year in the Haw.</p>	<p>New Development requirements is addressed under one umbrella stormwater management rule</p> <p>Nitrogen export standard of 3.6 pounds/acre/year</p>	<p>New Development requirements is addressed under one umbrella stormwater management rule</p>	<p>Stormwater Management Plan is required under NPDES Phase II</p> <p>Item 10: Post Construction requirements not substantially different from Jordan Rules.</p>

**Comparison Chart: Jordan Lake Rules, Neuse Rules, Tar-Pamlico Rules, NPDES Phase II**

Jordan Lake Rules	Neuse	Tar Pam	NPDES PHASE II
<p><b><u>Buy-down thresholds -minimum level of treatment</u></b>                      required through on-site BMP's before any remaining nitrogen or phosphorous export loading can be "paid for"</p> <p><b><i>Haw River Arm thresholds for nitrogen is 4.0 #/acre/year for single family and duplex developments, and 8.0 #/acre/year for all other development, including multi-family.</i></b></p> <p>There is no threshold for phosphorous, but the nitrogen threshold must be met before payments can be made for either nitrogen or phosphorous.</p>	<p><b><u>Buy Down thresholds</u></b>                      for nitrogen are 6.0 #/acre/year for residential development, and 10 #/acre per year for non-residential development</p>	<p><b><u>Buy Down thresholds</u></b>                      for nitrogen are 6.0#/acre/year for residential development, and 10 #/acre per year for non-residential development</p>	<p><b><i>Requirements include</i></b>  <i>(k) a program to control the maximum extent practical, the sources of fecal coliform (nutrient sources)</i></p> <p><i>Programs with development/redevelopment draining to Nutrient Sensitive Waters, the following additional requirements must be incorporated into their program</i></p> <p><i>(i) A local ordinance ... to insure that the best management practices for reducing nutrient loading is selected when ...meeting Post Construction (Item 10) requirements.</i></p> <p><i>(ii) A nutrient application management program shall be developed....</i></p>
<p><b><i>.0267– Stormwater Management for Existing Development</i></b></p> <p><i>Extensive Existing Development Rules - Unprecedented, extreme financial burden on local government, not feasible</i></p> <p><i>Includes additional requirements for stormwater management plans which are already required under Phase II</i></p>	<p>Not included in Neuse Rules</p> <p>Stormwater management for New, Existing, State and Fed entities is all under one rule.</p>	<p>Not included in Tar-Pam rules</p> <p>Stormwater management for New, Existing, State and Fed entities is all under one rule.</p>	<p>Not included in NPDES Phase II rules</p> <p>Illicit discharge identification and elimination</p> <p>Stormwater Management Plans required for local government, new development</p>
<p><b><i>.0267 Protection of Existing Riparian Buffers</i></b></p> <p>50' buffers</p> <p><i>Includes an unfunded requirement for local government to develop and implement riparian buffer programs. (Unprecedented). This is historically the responsibility of the state. The state does not have the authority to delegate Riparian Buffer Program development and implementation to local governments.</i></p>	<p>50' Buffers</p> <p>State implements buffer program requirements</p>	<p>50 ' Buffers</p> <p>State implements buffer program recruitments</p>	<p>30' Buffers</p> <p>State implements buffer programs</p>

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Jordan Lake Rules	Neuse	Tar Pam	NPDES PHASE II
<p><b>.0267 Mitigation for Riparian Buffers</b></p> <p>Rules delegate buffer program development and implementation to local government</p>	State implemented Buffer Program	State Implemented Buffer Program	No Buffer Program
<p><b>.0269 Options for Offsetting Nutrient Loads</b></p>			
<p><b>.0270 Wastewater Discharge Requirements</b></p> <p>WWTP dischargers &gt; .1 mgd discharge</p> <p>Meet Individual Mass-Based Limits. Each discharger's limit is the same fraction of the group's total allocation as the discharger's permitted flow is of the group's total flow. These allocations will be included in each discharger's permit as discharge limits.</p>	<p>WWTP dischargers &gt; .5 mgd/</p> <p>Similar to JLR rules. Same mass limits methodology.</p>	<p>No rule for Wastewater dischargers. WWTP formed an association under agreement with the state to meet certain limits voluntarily</p>	<p>No WWTP requirements. Strictly NPS</p>
<p><b>.0271 Stormwater Requirements for State and Federal Entities</b></p> <p>NC DOT is working toward complying with NPDES Phase II. Jordan Rule requirements for DOT are a restating of NPDES requirements with added measures which are excessive and not proven.</p>	No separate rule for state and federal entities	No separate rule for state and federal entities	State and DOT fall under NPDES Phase II