



## Legislation Text

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### Resolution Authorizing the Creation of and the City's Membership in the Haw River Nutrient Compliance Association

Department: Water Resources  
Council District: 2

Public Hearing: N/A  
Advertising Date/By: N/A

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#### **PURPOSE:**

Five cities, Greensboro, Burlington, Graham, Mebane and Reidsville that ultimately discharge to the Haw River Arm of the Jordan Lake watershed have expressed an interest in forming a Haw River Nutrient Compliance Association, which will serve as a non-profit corporation with a separate state-issued permit for total phosphorus. City Council authorization is requested to proceed in the formation and membership of this association.

#### **BACKGROUND:**

Since calendar year 2010, both of the NPDES (National Pollutant Discharge Elimination System) permits for the City of Greensboro Water Reclamation Facilities have contained annual mass-based total phosphorus limits. The limits are expressed in allowed pounds of phosphorus discharged per calendar year. The annual mass phosphorus limits are based on the State of North Carolina Division of Water Resources calculations from the Jordan Lake Rules for the Haw River Arm of Jordan Lake.

The five cities that ultimately discharge to the Haw River Arm of the Jordan Lake expressed an interest in forming a Haw River Nutrient Compliance Association, which would be an eligible permittee for the State. The association would be formed as a non-profit corporation. The total phosphorus limit in the Association's NPDES permit would be the sum total of the annual mass limits for all five cities. As long as the total allowed phosphorus load is not exceeded for the calendar year, all five association dischargers would be considered to be in compliance that year.

There is a comparable Neuse River Nutrient Compliance Association that also buys, sells and leases nutrient allocations among members. The proposed Haw River Association members do not want to buy, sell or lease nutrient allocations. The Haw River association would merely serve as a "safety net" for the dischargers, in case at the end of a calendar year one of the members had experienced an operational problem and failed to meet their individual limit.

The Haw River Association would initially be formed to only address total phosphorus limits. Total nitrogen

mass limits will be effective for the City of Greensboro and most of the other four Haw River dischargers in 2021. A provision would be included in the association by-laws to allow the members to vote to incorporate and implement the same approach for total nitrogen annual mass limits.

**BUDGET IMPACT:**

Legal fees to create the Compliance Association are estimated at approximately \$10,000. There is potential cost savings due to avoided fines for non-compliance as the result of the creation of the association.

**RECOMMENDATION / ACTION REQUESTED:**

It is recommended that City Council approve a resolution authorizing the creation of and the City's membership in the Haw River Nutrient Compliance Association.