

## UNRBA Board of Directors: *February 20, 2013 Meeting Minutes*

The Board of Directors of the Upper Neuse River Basin Association (UNRBA) met at 9:30 A.M. on Wednesday, February 20, 2013 at the Town of Butner's Town Hall.  
Meeting attendees are listed below (\* denotes member Director to the Board; \*\* denotes alternate).

Name	Affiliation
Melissa Hodges	Town of Butner
Nancy Alford *	Town of Stem
Cora Cole-McFadden * (V-chair)	City of Durham
Barry Baker **	Granville County
Mike Gering *	Town of Hillsborough
Pam Hemminger (Chair)*	Orange County
Jimmy Clayton (Treasurer)*	Person County
Lindsay Mize *	South Granville Water and Sewer Authority
Scott Miles *	Town of Wake Forest
Randy Cahoon	City of Creedmoor
Don O'Toole	City of Durham Attorney's Office
Michelle Woolfolk	City of Durham Stormwater
Ed Mims *	Granville County
Tom Davis**	Orange Co. Dept. of Environment, Agriculture, and Parks and Rec.
Dan McLawhorn	City of Raleigh Attorney's Office
Paula Murphy **	Person County
Jim Wrenn	Attorney Rep. Granville Co., Person Co., Butner, Creedmoor & SGWASA
Bill McKellar *	Town of Butner
Ellen Reckhow *	Durham County
Terry Hackett **	Town of Hillsborough
Bo Ferguson	City of Durham
Joseph Threadcraft	Wake County
Jimmy Minor *	City of Creedmoor
Forrest Westall	UNRBA Executive Director
Melinda Clark **	Wake County
Bob Jordan	Durham County Environmental Health
Reginald Hicks **	City of Durham
Renee Green **	Town of Stem
Tommy Marrow **	Town of Butner
Nancy Wood	Durham County Environmental Health
Will Brooks	Person County
Steve Bristow	Wake County
Tom Jones	NCDA & Soil & Water Conservation
John Huisman	NC DENR DWQ
Lauren Elmore	Cardno Entrix
Alix Matos	Cardno Entrix
Haywood Phthisic	LNBA/NRCA/UNRBA

### **Welcome and Recognition -**

Chair Pam Hemminger called the meeting to order and asked attendees to introduce themselves and share relevant information with the group. The meeting minutes from January 20, 2013 were presented for approval. Cora Cole-McFadden made the motion to approve the minutes, seconded by Bill McKellar, and the minutes were approved by the Board.

**Treasurer's Report** - Jimmy Clayton presented the Treasurer's Report and the current balance in the checking account is \$262,415.25 and \$113,079.55 in the savings account as of Jan. 28, 2013. Invoices processed since the statement closing totaled \$30,222.56 leaving a checking account balance of \$232,192.69. A projected account balance report indicated there will be a balance of \$118,409.68 in the checking account on June 30, 2013 (based on current contractual commitments).

Jimmy also reported he (and others) met with the new Assistant Secretary Mitch Gillespie earlier in the week and discussed briefly the current rules in the Falls Watershed and the level of work that jurisdictions will have to deal with the Falls Rules including the cost of monitoring. Jimmy noted to the Assistant Secretary the issue of funding this work and asked the State to help.

**Existing Development Rule Implementation Initiative** – Forrest reported the strategy group (Dan McLawhorn, Jim Wrenn, Don O'Toole, and Forrest) met several times since the January Board meeting to discuss the current time table for implementation of the current rules. The committee recommended the following for consideration:

**Schedule considerations -**

- Inventory of potential reduction opportunities within their jurisdictions, January, 2013.
- DWQ Develop Jurisdictional Loads (JLs) for each affected local government within the Falls Lake Watershed for EMC approval, July 2013
- DWQ must develop a "Model Program" (MP) as a framework for meeting these JLs and submit the MP to the EMC for approval, July 2013
- Governments are required submit to DWQ for review and **preliminary** approval nutrient reduction programs, January 2014 (six months following EMC approval of the MP—if the EMC acts in July 2013)
- Implementation of the programs must begin at the time of submittal and prior to preliminary or final approval
- Implementation of the Existing Development requirements for Stage I is scheduled to occur over the period between 2014 and 2021.
- The "deadline" for meeting the Stage I Existing Development JLs is 2021, seven years following the implementation start date.

**Technical Consideration –**

- The ability of DWQ to develop acceptable JDs for the jurisdictions in the established timeframe,
- The lack of a comprehensive list of nutrient reduction practices that would provide realistic and acceptable nutrient credits for the development of a flexible and effective MP for use by the local governments,
- DWQ's limited resources (including the Nutrient Scientific Advisory Board) to provide a comprehensive package of nutrient reduction practices,
- The lack of alternatives stemming from items 1 and 2 for the development of local programs required in January 2014, and
- The inconsistent local program approval schedules.

**Potential Provisions of a UNRBA Initiative –**

- Through administrative action or legislative change seek modification to the implementation schedule that delays implementation of the Stage I Existing Development Rule by at least 18 months. No change is proposed to the final compliance date for Stage I.

- Work with DENR/Legislature to achieve this schedule revision and to identify specific resources and funding to secure the development of a more complete list of approved nutrient reduction practices and credits for use in the development of local programs.
- Seek State funding for the credits development process but provide funding within the FY 2014 budget to support the development of an expanded nutrient reduction practices and credits framework.

The discussion then turned to an update and review of the Cardno-Entrix project. Forrest briefed the Board on each task of the project and explained the summary matrix of the task option and the cost associated with each task or sum of several task. Option 1C and 2C were recommended as a minimum (\$300,000 to \$400,000 range). Following discussion there was a motion by Ellen Rickhow to allow the strategy committee to work to extend the current deadline, seconded by Ed Mims, and approved by the Board. A second motion was made to allow the strategy committee to meet with DWQ regarding the nutrient credit tool development. The motion was made by Bill McKellar, seconded by Lindsay Mize, and approved by the Board. The Board took no action concerning UNRBA funds in the FY 2014 FY to support a nutrient credit package. The discussion indicated that the Board wanted to push the State to fund this effort since it the responsibility of DENR to provide this information in its Stage I Existing Development Model Program. Forrest indicated he would report on this in March.

**Path Forward Committee Update** – Michelle Woolfolk presented the committee report noting the group reviewed the Task 4 Technical memorandum on Jan 24<sup>th</sup>, the RFQ subcommittee met on Jan 31<sup>st</sup>, the PFC met on Feb 4<sup>th</sup> to discuss monitoring goals and cost, and again on Feb 18<sup>th</sup> (monitoring goals and cost). Michelle presented recommendations from the committee as steps forward:

- Monitoring should begin for a minimum of 48 continuous months. A 12 month contingency should be considered in case of poor weather conditions.
- Objectives listed in order -
  1. Lake Response Model.
  2. Support of Regulatory Options.
  3. Source/Jurisdictional Loading.
- Budget for all studies listed under the top two priorities, Lake Response Modeling and Support of Regulatory Options.

Forrest noted following Michelle's presentation that the PFC in its meeting on February 18 recommended a full year monitoring funding level of \$800,000. Cardno ENTRIX's Task 4 Technical Memorandum projected a monitoring cost to perform a full range of data development at over \$ 1,000,000. The PFC recommended that the final monitoring program be designed to cover the three objectives listed above (in order of priority) and to use the recommended \$800,000 to accomplish all three to the extent possible. Due to the likelihood that actual monitoring would not begin until the last half of FY 2014, the PFC recommended the FY 2014 monitoring funding level should be \$500,000. He also noted that the PFC workgroup on developing a Request for Qualifications (RFQ) to hire a general contractor for the monitoring effort has been at work and an RFQ should be available in March for release. Once a contractor is approved and hired by the Board, the actual monitoring program and all quality assurance aspects of the program would have to be approved by DWQ before sampling could begin.

**FY 2013–14 Funding Discussion** – Forrest presented a general budget proposal for contributions that would address the recommendations from the following UNRBA Sub-committees:

- Base Dues and UNRBA Management: Personnel Committee
- Existing Development/Nutrient Credit Toolbox: Strategy Group (presented earlier in the meeting).
- Monitoring Program to Support Stage II Reexamination Process: Path Forward Committee (presented earlier in the meeting).

Personnel Committee – Don O’Toole reported for the committee and noted how much progress has been made over the past year with the UNRBA moving forward. The committee wanted to note how well Forrest has taken difficult issues and carefully explained to all on the Board. Don noted that an adjustment is needed to the McGill contract because of the time required. The Personal Committee is recommending an increase in the contract from \$120,000 to \$140,000. Following discussion, a motion was made by Ed Mims, seconded by Jimmy Minor, and a roll call vote was taken with all present voting to approve (Raleigh and Franklin County not present).

The discussion continued on how the nutrient credit toolbox would be developed. While the general indication from contact with DENR is that state funding will not likely not be available, the Board again indicated a reluctance to provide Association funds and that every effort should be made to seek State funding. Because of this concern, no specific funding for the toolbox was included in the recommended FY 2014 budget.

It was emphasized several times that actual allocation of funds secured for FY 2014 would be done so by specific Board action. The Board approved the funding level for management services to support Board activities, but specific allocation of monitoring funds would come first for the general contractor and then following that approval, allocation of funds for actual sampling under an approved monitoring plan. Both of these activities will require the development of a contract or contract amendments that will have to be approved by the Board. Forrest pointed out that funding for any project would require specific Board action.

To implement a monitoring program to support the Stage II relook, the proposed budget allocation for FY 2014, as noted, is \$500,000. The total new contributions recommended for FY 2013-14 include \$143,500 for the management services and \$500,000 for monitoring work, for a total of \$643,500. A contribution schedule was presented reflecting the above costs showing the portion of the total contribution allocated to management services and costs for monitoring activities. Forrest recommended that the expected balances in the Checking Account (projected to be \$118,409.68) be retained as Contingency and that the Savings Account balance (\$113,079.55 currently) be retained as an Emergency Fund.

The Chair called for open discussion by the Board on the information presented noting action was not requested at this meeting. The discussion resulted in a request for additional information to support the requested funding and to provide more detail on the reasons for Contingency funds and Emergency fund. Forrest committed to providing the Board with a specific budget proposal.

The Board also asked Forrest and Haywood to review potential grants or public funding to support the UNRBA’s efforts. This was in specific reference to the nutrient credits toolbox development and special monitoring evaluations. Forrest indicated he would provide a report on this in March.

Following this discussion the Chair asked the members to be prepared to take a formal position on the FY 2014 budget and membership contributions at the March meeting.

**Executive Director Report** – Time being limited, Forrest briefly noted the following activities for February and into March:

- \* NCWQA Meeting, February 21, 2013.
- \* NSAB Meeting, March 1, 2013.
- \* Continued PFC activities (March 6 meeting of full PFC and activities related to the RFQ development).
- \* Continued Nutrient Credit/trading discussions with DENR and DWQ.
- \* Watershed Oversight Committee meetings and EMC presentation in March.

Following this summary, it was noted the next Board meeting will be March 20, 2013 in Butner and the meeting was adjourned.