

UNRBA Board of Directors: *March 20, 2013 Meeting Minutes*

The Board of Directors of the Upper Neuse River Basin Association (UNRBA) met at 9:30 A.M. on Wednesday, March 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
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
Randy Cahoon	City of Creedmoor
Randy Stagner	City of Raleigh
Don O'Toole	City of Durham Attorney's Office
Michelle Woolfolk	City of Durham Stormwater
Ed Mims *	Granville County
Paula Murphy **	Person County
Jim Wrenn	Attorney Rep. Granville Co., Person Co., Butner, Creedmoor & SGWASA
Bill McKellar *	Town of Butner
Terry Hackett **	Town of Hillsborough
Joseph Threadcraft	Wake County
Jimmy Minor *	City of Creedmoor
Rick Flowe	City of Creedmoor
Forrest Westall	UNRBA Executive Director
Melinda Clark **	Wake County
Britt Stoddard	Wake County
Reginald Hicks **	City of Durham
Renee Green **	Town of Stem
Tommy Marrow **	Town of Butner
Nancy Wood	Durham County Environmental Health
Rich Shaw	Orange County
Steve Bristow	Wake County
Jessica Gladwin	Town of Butner
Jessica Marlies	Department of Environment and Natural Resources (NCDENR)
John Huisman	NCDENR DWQ
Lauren Elmore	Cardno Entrix
Alix Matos	Cardno Entrix
Henrietta Locklear	Raftelis
Howard Kimbrell	Highfill Infrastructure Engineering
Kenny Waldrop**	City of Raleigh
Carolyn Bachal	City of Raleigh
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.

Meeting Minutes Approval for February Meeting - The meeting minutes from February 20, 2013 were presented for approval. Lindsay Mize made the motion to approve the minutes, seconded by Melinda Clark, and the minutes were approved by the Board. It was noted that Wake County has appointed Caroline Sullivan as its Director on the Board.

Existing Development Rule Implementation Initiative – Forrest reported that the strategy group (Dan McLawhorn, Jim Wrenn, Don O’Toole, and Forrest) had taken several steps following the February Board meeting to direct this discussion to the Department of Environment and Natural Resources.

Forrest reported that based on the February discussion and specific authorization from the Board, the strategy group had a meeting with DENR’s Assistant Secretary Mitch Gillespie, Assistant General Counsel Jessica Marlies, DWQ Director Chuck Wakild, and Rich Gannon from DWQ Planning. The group presented the issues to the Department representatives and received a positive reaction and a commitment to work positively with the UNRBA to seek a mutually acceptable solution. The Department requested that the UNRBA communicate officially on its objectives concerning a more stepwise implementation of the Stage I Existing Development process. The group clearly communicated to the Department that the UNRBA would like for DENR to take a more aggressive approach to funding the development of a comprehensive nutrient credit toolbox.

Forrest, as follow-up to the February 27th meeting, provided the Department with the report Cardno ENTRIX developed for the UNRBA on the cost and timeline for developing a more complete list of credits for potential nutrient reduction actions. The points of Forrest’s report are available on the UNRBA website within the file that provides the PowerPoint slides used for the March meeting: [UNRBA Board Meeting Slides for March 20, 2013](#).

Just prior to the March 20th meeting, the Department indicated that a resolution of support for this cooperative collaboration on Stage I Existing Development Rule implementation would be helpful in securing Departmental support and in assisting with the search for State funding for toolbox development. As a result, Forrest presented a draft resolution for consideration by the Board. Michelle Woolfolk identified some revisions she felt would help clarify the UNRBA role relative to individual jurisdictions. Following a discussion of these suggestions the resolution was modified and presented to the Board for action.

Randy Stagner made the motion to approve the resolution as modified and Bill McKellar seconded the motion. The Chair asked for a roll-call vote. All of the Jurisdictions with a Director or Alternate present supported the motion and it passed. Durham County, Franklin County and the Town of Wake Forest were not represented by a Director or Alternate at the meeting. A copy of the final resolution language is available on the UNRBA website: [UNRBA Stage I Existing Development Resolution—3/20/2013](#).

Presentation by John Huisman, DWQ on the Status of Model Program Development for Stage I Existing Development (ED) – John provided a PowerPoint presentation summarizing the Division’s efforts to develop a proposed Model Program for ED Stage I implementation. As this activity is linked closely to the discussion and activity related to the implementation schedule for Stage I ED, John acknowledged the discussions that are ongoing with the Department and the UNRBA about implementation. He also indicated that there was general agreement on the conceptual path toward an effective process to strengthen the nutrient credit toolbox before formal implementation of the ED Rule would be required. John indicated that the Division is planning on briefing the Environmental Management Commission (EMC) at the May EMC meetings on the Model Program and the status of the Department/Division’s discussions with the UNRBA. John’s slides for the presentation are available on the UNRBA website; [UNRBA Board Meeting Slides for March 20, 2013](#).

John pointed out several times that the Division’s efforts to develop the Model Program would continue and that the current document was in many respects an “outline” of the components of the program. Several of the components would require additional development and would need more information to properly define the noted components.

Path Forward Committee Update – Michelle Woolfolk presented the committee report noting the RFQ Subcommittee has been working hard to develop the Monitoring Request for Qualifications. That subcommittee is chaired by Kenny Waldrop. The items covered during this update were:

- Cardno ENTRIX Status—Report
- Meeting March 6th
- Future Monitoring Request for Qualification—Kenny Waldrop

Cardno ENTRIX Report - Michelle then asked Alix Matos to provide Cardno's report. The full slide presentation is available at [UNRBA Board Meeting Slides for March 20, 2013](#). Alix provided an update on all tasks:

- Task 1: Develop Framework for a Re-Examination of Stage II of the Falls Nutrient Strategy—85% completed
- Task 2: Review Existing Data and Reports to Summarize Knowledge of Falls Lake and the Falls Lake Watershed—100% completed
- Task 3: Review Methods for Delivered and Jurisdictional Nutrient Loads—100% completed
- Task 4: Recommendations for Future Monitoring and Modeling, 100% (in Final Draft form, will be finalized following DWQ meeting)
- Task 5: Compile Final Report—85% completed
- Additional Task: Develop Approach for Development of Nutrient Accounting Tool, 100% completed

Alix then provided a summary of the Draft Task 1 Technical Memorandum. This task TM is essentially a consolidation of the information developed in Tasks 2, 3 and 4, providing a potential path for undertaking and completing a Reexamination of Stage II under the Falls Rules.

As noted, the full presentation is available on the website. However, the summary slide of the path forward as presented below represents the steps that Cardno is recommending to the UNRBA to consider as part of the Reexamination:

- Plan A – revise lake modeling following collection of additional data
- Plan B – sub-classification use attainability analysis (SC-UAA) for the Upper Lake
- Plan C – variance for the Stage II Rules
- Plan D – site specific chlorophyll *a* criterion for the Upper Lake

Monitoring RFQ Status – Kenny Waldrop reviewed the work of the RFQ Subcommittee of the Path Forward Committee. The schedule for the RFQ and decision making process was discussed as follows:

- RFQ Issued March 15th
- Pre-Submittal Conference Call, March 27th
- Submittals Due, April 3rd
- Selection for Interviews April 10th (if recommended)
- If required, interviews, April 17th, 1 to 4, Butner Town Hall (alternate date, April 19)
- Board Members Invited to Participate in the Process
- Full PFC review and recommendation
- Formal Board Selection of General Contractor

Treasurer's Report - Jimmy Clayton presented the Treasurer's Report noting the current account balances: Checking - \$216,798.18 and Saving - \$113,101.24 (including all invoices processed since the bank statement

UNRBA Board of Directors — March 20, 2013 Meeting Minutes

closed on February 25, 2013).

FY 2013–14 Budget – Forrest presented the budget proposal for the coming Fiscal Year. He referenced the Executive Director recommendation submitted to the Board following the February 20th meeting. He provided a copy of that recommendation. A summary of the recommendation is presented in the PowerPoint slides for the meeting: [UNRBA Board Meeting Slides for March 20, 2013](#) (slides 57 and 58).

- UNRBA Support/Executive Director Services (as approved by Board on February 20, 2013): \$ 140,000
- Miscellaneous Expenses (Tax Preparation, special materials, etc.): \$ 3,500
- Monitoring Budget, partial annual support (per PFC recommendation): \$ 500,000
- Total New Funding for FY 2014: \$ 643,500
- Operating Checking Account—Contingency Fund (projected carry forward): \$ 118,409
- Savings Account—Emergency Fund: \$ 113,079

It was noted that the use of contingency or emergency funds require prior board approval. Based on the total funded needed for FY 2014 of \$ 643,500, the following jurisdictional contributions would be required for FY 2014:

**Budget Recommendations for UNRBA Member
Contributions for FY 2013-14**

Date: 2/25/13

Member	Total Amount Due FY 2013-14
Town of Butner	\$ 9,213.27
City of Creedmoor	6,219.81
City of Durham	149,742.67
Durham County	57,296.11
Franklin County	7,361.73
Granville County	42,286.38
Town of Hillsborough	11,470.98
Orange County	68,341.06
Person County	47,070.70
City of Raleigh	179,267.41
SGWASA	18,243.46
Town of Stem	4,861.24
Wake County	37,123.18
Town of Wake Forest	5,002.01
Total	\$ 643,500.01

The Chair noted that budgets for the Falls jurisdictions have not been finalized at this point, but she requested that the membership give an indication if the member representatives support the budget as proposed. She stated that this indication is contingent on final budget approvals in the jurisdictions, but that

for planning purposes she wanted to establish that there is support for this UNRBA budget. After discussion of this point and the statement of importance of budget accountability, Pam asked the representatives present to give an indication of support. All the jurisdictions expressed support for the need of this UNRBA funding and that the level recommended was appropriate.

Pam asked for approval of a Budget for FY 2014. Lindsay made a motion to adopt the budget as proposed. Ed Mims seconded the motion. All member organizations represented by a Director or Alternate voted in favor of the budget. Durham County, Franklin County and the Town of Wake Forest were not represented by a Director or Alternate at the meeting. It was noted that if a jurisdiction needed support through its budget process that Forrest is available to discuss or support the UNRBA budget with the decision makers.

Executive Director Report – Forrest noted the following activities many of which are ongoing and addressed in this summary:

- NC Water Quality Association Meeting, 2-21-2013
- Monitoring RFQ Development Process
- League of Municipalities Regulatory Action Committee, 2-22-2013
- Stage I ED Meeting with DENR, 2-27-2013
- Discussions with DWQ/DENR on Stage I ED Implementation
- NSAB Meeting, 3-1-2013
- NSAB Credits Sub-Committee Meetings
- DWQ's Stakeholder Process for Sand Filter Discharge Systems-NPDES Permit
- EMC Meeting—WOC Report
- DWQ 2012 Monitoring Summary
- Finalization of Nutrient Credits Process Report

Forrest reported that the Registered Lobbying reporting for the quarter will be due in April and that due to logistics it is difficult to secure signatures and get the reports filed in a timely fashion. He also noted that Haywood as an officer of the Lower Neuse organization is authorized to sign the organization form as well as the lobbyist form. Forrest requested the Board to consider this approach. Jim Wrenn stated he is registered and is familiar with the process. Jim didn't see an issue with the "no expense" quarterly forms being handled as Forrest has requested. The end of year report is more comprehensive and Jim recommended that the Chair sign this form.

A motion was made by Lindsay Mize to allow Forrest to submit the zero expense reports for the UNRBA in his capacity as Secretary to the Board. Bill McKellar seconded the motion. The motion was approved by the Board.

Meeting Schedule – Forrest noted that the next meeting is May 15, 2013 at Butner Town Hall. Following a discussion on the upcoming July meeting the Board agreed to move that meeting to June 19. Since the July meeting has been shifted to June fairly regularly, the Board decided to set the normal meeting date as June with no July meeting scheduled. Because of the level of activity around budget time and the possible need of approving a monitoring contract, the Board added an August meeting date of August 21 in case that date is needed to handle any time-sensitive business. Forrest indicated that with Mike Gering's help the website would be modified to reflect these changes.

Following the meeting schedule discussion the meeting was adjourned.