

UNRBA Board of Directors: *May 15, 2013 Meeting Minutes*

The Board of Directors of the Upper Neuse River Basin Association (UNRBA) met at 9:30 A.M. on Wednesday, May 15, 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
Rick Flowe **	City of Creedmoor
Barry Baker **	Granville County
Kenneth Waldroup **	City Of Raleigh
Pam Hemminger (Chair)*	Orange County
Jimmy Clayton (Treasurer)*	Person County
Lindsay Mize *	South Granville Water and Sewer Authority
Cam McNutt	NCDENR DWQ
Randy Stagner *	City of Raleigh
Don O'Toole	City of Durham Attorney's Office
Michelle Woolfolk	City of Durham Stormwater
Jay Sauber	NCDENR DWQ
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
Jason Green	NCDENR DWQ
Harold Kelly	Person County
Henrietta Locklear	Multi County Storm Water Services Manager
Forrest Westall	UNRBA Executive Director
Andy McDaniel	NCDOT
Robert Jordan	Durham County Environmental Health
Reginald Hicks **	City of Durham
Jessica Gladwin	Town of Butner
Tommy Marrow **	Town of Butner
Nancy Wood	Durham County Environmental Health
Shawn Springer	Wake County
Steve Bristow	Wake County
Tom Jones	NCDA & Soil & Water Conservation
John Huisman	NCDENR DWQ
Jennifer Mitchell	Wake County
Levonda Jackson	Observer
Ken Reckhow	Observer – self
Brenan Buckley	Brown & Caldwell
Justin L. Sutton	City of Durham
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 March 20, 2013 were presented for approval. Lindsay Mize made the motion to approve the minutes, seconded by Bill McKellar, and the minutes were approved by the Board.

Stage I Existing Development Rule Implementation Initiative -

Forrest briefed the Board on the work that continues by the Strategy Group and DWQ on the development of a "toolbox" (nutrient credits) for local governments to implement nutrient reductions. Additionally, through discussions with DENR staff, \$50,000 has been set aside and allocated by the State to the UNRBA to assist in further development of nutrient reduction tools. This amount of funding will not provide the necessary funds for the development of a comprehensive "toolbox" but is a step towards that goal. The funds will have to be accounted for through the development process to assure proper use.

Since the Board has not been able to take action on accepting these funds due to the timing of the availability of the funding, the Granville-Person Stormwater Utility agreed to accept the funds on behalf of the UNRBA (with Jim Wrenn's assistance) until the UNRBA Board authorizes acceptance of the funds (this action was necessary to secure the funding due to a State deadline to encumber the funds and to allow time for the UNRBA to consider accepting the funds). A Memorandum of Agreement (MOA) between DWQ and the receiving authority has not been finalized at this time. The most recent draft of the agreement was provided to the Board.

Forrest noted the Path Forward Committee (PFC) voted to recommend that the Board accept the funds. The PFC further discussed the need for additional nutrient credits for use in the more effective implementation of Stage I Existing Development under the Falls Lake Rules. As background, Forrest noted that the Piedmont Triad COG currently has a project underway to develop additional nutrient credits using Federal Funds administered by DWQ. Also important in looking at this issue is the fact the Nutrient Scientific Advisory Board (SAB) has listed approximately 20 types of credits under development/consideration that should be looked at relative to implementing nutrient control requirements in the Jordan and Falls Lakes. The UNRBA had also previously funded Cardno-Entrix to develop a report describing a comprehensive list of potential nutrient credits that would greatly expand the toolbox and to provide a rough estimate of the cost of developing credits for these practices/BMPs. This information and the actions noted on the need for an expanded toolbox is an important factor in the UNRBA accepting the DENR funds.

Taking the discussion further, Forrest discussed the need to develop a "Request for Qualification" (RFQ) for a firm to move the "toolbox" work forward but in a cost effective process. Funding for this work is not currently covered in the budget approved by the Board for FY 2013-14. The next critical steps relative to the State funding are:

- * Formal acceptance of the funds by the UNRBA.
- * Discussions with DENR to finalize MOA conditions (PFC oversight of process).
- * Execution of the MOA.
- * Establishment of benchmarks notes in draft MOA (paragraph 3).

Following discussion by the Board there was a motion to accept the DENR funding by Randy Stagner, seconded by Ellen Reckhow, and approved by the Board.

Forrest then led the Board in a discussion on moving forward with developing benchmarks and a RFQ to select a firm for developing the nutrient credits. Potential benchmarks are:

- * Identification of nutrient credit BMPs for development under these funds.
- * Establishing process for securing the work to develop the credits.

- * Begin work on credits.
- * Complete credit(s) report/recommendation reduction levels.
- * Review and approval of credits by DWQ and EMC.
- * Set process/schedule for formal implementation of Stage I Existing Development (Model Program Approval, local program submittal).

The Board then discussed the need to consider and, if appropriate, establish funding beyond the \$50,000 from DENR. Several options to identify and secure additional funds for this expanded list of nutrient credits were discussed. It was noted that it would be of value to identify through the RFQ process a service provider that could address an expanded credits list. The Board also requested that the RFQ process address the question of cost related to the development of an expanded credits list. The RFQ process was discussed and it was pointed out that due to the nature of our organization that the UNRBA could follow a process of seeking responses to an RFQ that would invite a selected list of qualified service providers. Following additional discussion a motion was made by Rick Flowe to authorize the PFC to contact qualified experts on nutrient credits and report back to the Board in June providing a recommendation on a service provider to contract with the UNRBA, seconded by Randy Stagner, and, by roll call vote, approved by the Board (all members present voting yes (an authorized delegate for Wake County was not at the meeting)). The Board also requested that the June report include a recommendation on additional funding needed to properly expand the list of nutrient credits.

Path Forward Committee Monitoring RFQ Recommendation and Update – Kenneth Waldroup presented the committee report on the Monitoring RFQ Process. The following has occurred: RFQ distributed March 15th ; a Pre-Submittal call was held March 27th ; RFQ submittals received on April 3rd ; PFC review/scoring of submittals April 4 – 10th and meeting; meeting with Cardno-Entrix April 17th ; and final PFC review on April 23rd . Following the review Cardno revised their organization table clarifying reporting responsibilities and clarified the experience of their primary project contract manager.

The PFC recommended Cardno Entrix for the monitoring services and requested authorization to negotiate contract terms and fees with the firm. A motion was made to accept the recommendation by Randy Stagner and seconded by Lindsay Mize. A roll call was made with all members present voting “yes” with Durham County abstaining from the vote (authorized delegate for Wake County was not at the meeting).

Michelle Woolfolk updated the Board on the PFC work including review of the draft Task 1 Technical Memo on April 18th , a meeting with John Huisman on April 23rd to review the draft Model Program, and met with DWQ on May 9th to review TMs 1 and 4, and the Strategy subcommittee met with DENR regarding funding.

Falls Lake Data Evaluation – Jay Sauber and Cam McNutt with DWQ made a presentation to the Board regarding the recent adoption of a new methodology for establishing impaired waters for the 303 (d) list. In the presentation Jay noted that the EMC approved the designation of impaired waters if a water body exceeds 10% of samples (greater than or equal to) with a 90% statistical confidence level. This new protocol is a change in the previous use support guidelines that listed waters if 10 % of the samples (minimum of 10 samples) equaled or exceeded the standard. The illustrations presented for discussion were from DWQ’s lake data over the past several years. In concluding the presentation, DWQ noted this information was preliminary and was provided to illustrate how the most recent data might affect Falls Lake. The use support process follows an every two year cycle specified in the Federal Clean Water Act. The data and preliminary analysis provided requires additional review before it can be published as part of the agency’s official use support and degraded stream listing decisions

Treasurer's Report - Jimmy Clayton presented the Treasurer's Report and the current balance in the checking account is \$178,368.68 and \$113,146.18 in the savings account as of April 24, 2013. Invoices processed since the statement closing totaled \$23,791.88 leaving a checking account balance of \$154,576.80. A projected account balance report indicated there will be a balance of \$117,097.27 in the checking account on June 30, 2013 (based on current contractual commitments).

Executive Director Report – Time being limited, Forrest briefly noted the following activities since the March meeting:

- * Discussions with DWQ/DENR in Stage I ED Implementation.
- * Cardno ENTRIX Final Report Schedule.
- * Monitoring RFQ Development Process.
- * Jurisdictional Budget Determinations.
- * League of Municipalities Regulatory Action Committee, May 10, 2013.
- * Proposed DWQ/EMC Nutrient Criteria Development Plan.
- * Path Forward Committee Meetings and Activities.
- * NSAB Meeting May 13, 2013 (and sub-committee meetings of NSAB).
- * DWQ's Stakeholder Process for Sand Filter Discharge Systems, NPDES Permit.
- * EMC WQC meeting May 8, 2013

Following this summary, it was noted the next Board meeting will be June 19, 2013 in Butner and the meeting was adjourned.