

## **AGENDA**

### **Lower Neuse Basin Association, Inc.<sup>®</sup> Neuse River Compliance Association, Inc.<sup>®</sup>**

**February 2, 2017  
City of Raleigh, N.C.  
10:00 a.m.**

- **Welcome, Roll Call, and Introduction of Guests**
- **Approval of Minutes for September, 2016 – (pages 2-4)**
- **LNBA Sampling Report, Nov. & Dec., 2016 and January, 2017 – Haywood (page 5)**
- **LNBA/NRCA Treasurer's Report –**
  - \* **November & December, 2016 and January, 2017 Treasurer's Report, Donald (pages 6-7)**
  - \* **Proposed FY 2017/18 Budget and Membership Dues – Finance Committee (pages 8-10)**
- **LNBA/NRCA Website Data and Information - Haywood**
- **NRCA Nitrogen Cost Capital Investments - Haywood**
- **Officer Nominating Committee Appointments - Dan**
- **Craven County Water Plant – Rusty and Haywood**
- **Proposed By-Law Revisions – By-Laws Committee, (pages 12-14)**
- **Comments on EPA Revised 303(d) Listing and Algal Toxins – Dan, Jay, and Haywood (pages 15-16)**
- **Executive Director and Member Reports –**
- **Next Meeting and Adjourn – Location/Date: City of Kinston, May 4, 2017**

**Lower Neuse Basin Association®/Neuse River Compliance Association®**  
**November 3, 2016, Meeting Summary & Minutes**  
**Contentnea MSD, Grifton, N.C.**

**Attending:**

Donald Smith	Town of Cary	Jon Carpenter	Dupont - Kinston
John Cratch	Town of Apex	Jeff White	Dupont - Kinston
Fred Dancy	SGWASA	Emily Elmore	City of Kinston
Paul Allen	Town of Benson	Barry Parks	City of Wilson
Tim Webb	City of Havelock	Jimmy Pridgen	City of Wilson
T. J. Lynch	City of Raleigh	Danny Lassiter	CWS, Inc.
James Warren	Town of Clayton	Chuck Smithwick	Contentnea MSD
Dan Wall	Johnston County	Nora Deamer	DEQ, DWR Planning
Mark Oliveira	Environment I	Mike Wagner	City of Goldsboro
Peter Raabe	American Rivers	Martin Lebo	AquAeTer
Ian McMillan	DEQ, DWR Planning	Michelle Raquet	DEQ, DWR Planning
Haywood Phthisic	LNBA/NRCA		

The Vice Chair, Barry Parks, called the meeting to order and welcomed everyone. The roll was called and there were 12 of 18 members present representing the LNBA and 14 of 22 members present representing the NRCA. There was a quorum present for both association. Guests were introduced and recognized.

**Member Reports** – Members gave reports on their experience with Hurricane Matthew. Those reports ranged from minor flooding issues to total inundation on one facility.

**Board Minutes** – The Board Minutes from the September 01, 2016 meeting were presented for approval. Dan Wall made a motion to accept the minutes as presented, seconded by Jimmy Pridgen, and approved by the Board.

**Neuse Management Plan Update** – Nora Deamer, Michelle Raquet, and Ian McMillan with the Planning Group of the Div. of Water Resources updated the Board on how the agency is planning to prepare basin reports in the future. The next plan update for the Neuse is scheduled for 2018/19 following NPDES Permit Renewal in 2018. They illustrated how the new planning process will work by reviewing the Watauga River Basin (that is nearing completion).

**2017 Meeting Dates** – Haywood presented a table of the suggested meeting dates for 2017. Those dates are:

February 2, 2017  
 May 4, 2017  
 September 7, 2017  
 November 2, 2017

T. J. Lynch made a motion to approved the dates as presented, seconded by James Warren, and approved by the Board. The meeting in February will be hosted by the City of Raleigh.

**Impact Fee Memorandum** – Haywood presented a memo prepared by Glenn Dunn on a recent court ruling on impact fees collected by local governments. He asked the Board members to review the memo and share it with their managers. The issue in this case is local governments do not have authority to impose impact fees for future discretionary spending.

**By-Laws Revision Committee** – Barry asked for volunteers to serve on this committee. Timothy Webb and James Warren agreed to serve.

**LNBA Sampling Committee Report** – Work on the Lower Neuse River Monitoring Service Contract No. 5 with Environment I continues. All sampling was completed by Environment 1 in September and October, 2016 except as noted below. Data sets have been received through August, 2016 and loaded on the website. All invoices through September, 2016 have been processed and paid.

August, 2016 – All samples collected and analyzed per MOA. Results have been finalized and submitted.

September, 2016 - All samples were collected and analyzed per MOA requirements. September results are in the data review stage.

October, 2016 - All samples were collected per MOA requirements with the following exception:

7850000(10/27/16) Neuse River at Maple Cypress Rd. near Ft. Barnwell: We were unable to reach this site for sample collection today due to road closure. (According to NCDOT, the Maple Cypress Rd. Bridge is closed in both directions pending structural inspection.)

*Potential Hardness Sites, LNBA Monitoring Program* – A report was presented to the Board indicating which monitoring sites could be sampled for hardness as part of the monitoring program. Environment I quoted the LNBA a price of \$17.00 per sample to analyze those samples. The LNBA sampling sites do not offer a benefit to the majority of the members so no recommendation was made to move forward with adding this testing. Many members indicated they were collecting samples for hardness testing upstream of their facilities.

*Environment I Contract* – Haywood reported the contract with Environment I (EI) will expire on December 31, 2017. Mark Oliveria with EI has proposed an increase of 5% to renew the contract for another 5 year period (January 1, 2018 to December 31, 2022). The current monthly rate (based on the sites the LNBA monitors) is \$7,289.58 and the proposed monthly rate (with no additions or deletions to current number of sites) is \$7,654.09 (an increase of \$364.51 per month). Following discussion, Emily made a motion to approve renewing the contract as indicated above, seconded by Jeff White, and approved by the Board.

*Website Update* – July and August, 2016 data has been received and uploaded on the website.

**Treasurer's Report** - The Treasurer's Reports for September and October were presented by Donald Smith, Treasurer. As of October 25<sup>th</sup> the LNBA account balances were \$184,233.51 and NRCA account balances are \$251,539.18. T. J. Lynch made a motion approve the reports as presented, seconded by Dan Wall, and approved by the Board.

*Draft Membership Fees for FY 2017-18* – Haywood presented a draft membership fee schedule for FY 2017-18. No increase was projected in the schedule. A final draft budget and membership fee schedule will

be presented at the next Board meeting.

**Environmental Management Commission (EMC)** – The EMC is convening a stakeholder group to review nutrient management strategies as requested by S.L. 2016-94. Haywood reported he has been selected to serve on the stakeholder group to represent downstream users.

**National Study of Nutrient Removal and Secondary Technologies** – Haywood reported that comments are being solicited on the above EPA survey/questionnaire. The survey is being conducted under the authority of Section 308 of the Clean Water Act.

**Executive Director Notes** – Haywood reported the 990 Tax Return for both associations have mailed; a memorial contribution on behalf of the LNBA & NRCA is being made in honor of Russell Brice to the Brain Support Foundation; Steve Kroger has retired from DEQ, DWR; please complete the member Director/Alternate form and return to me.

The next meeting is scheduled for February 2, 2017 at 10:00 hosted by the City of Raleigh. With no further business the meeting was adjourned.

DRAFT

## Lower Neuse Basin Association®

**TO:** Board Members

**FROM:** Water Sampling Contract Coordinator

**SUBJECT:** Sampling/Monitoring Report for February 02, 2017 Board Meeting

**DATE:** January 31, 2017

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Work on the Lower Neuse River Monitoring Service Contract No. 5 with Environment I continues. All sampling was completed by Environment 1 in November, December, 2016, and January, 2017 except as noted below. Data sets have been received through November, 2016 and loaded on the website. All invoices through December, 2016 have been processed and paid.

November, 2016 – All samples collected and analyzed per MOA. J7850000 (11/30/16) was sampled from the bank because boat ramp was damaged during Hurricane Matthew.

December, 2016 - All samples were collected and analyzed per MOA requirements. These results are in the data review stage.

January, 2017 - All samples were collected per MOA requirements. No exceptions noted.

**Lower Neuse Basin Association, Inc. / Neuse River Compliance Association, Inc.**

**Treasurer's Report**

**1/3/2017**

**LNBA**

<b>Balance Forward: (checking per bank statement -10/25/16)</b>	Checking	\$	124,589.61
	Savings	\$	50,296.32
<b>Debits:</b>		\$	
Environment 1 (September 16 Inv.)			7,289.58
Phthisic Consulting, Inc. (September 16, Inv.)			2,003.88
Poyner & Spruill (Oct. 16, & Nov. Inv)			1,189.05
Sauber Water Quality Consulting			280.00
JMW Bookkeeping (990 Tax Return)			575.00
Bank Charges (checks & maintenance fees)			2.00
			<hr/>
	Total Debits	\$	11,339.51
<b>Credits:</b>		\$	
Interest (checking)			27.10
Interest (savings)			19.58
Membership Fees			-
<b>Checking Account Balance (per bank statement - 12/21/16)</b>		\$	113,277.20
LGCU Share Account Balance (savings account)			50,315.90
			<hr/>
<b>Total LNBA Account Balance</b>		<b>\$</b>	<b>163,593.10</b>

**NRCA**

<b>Balance Forward: (per bank statement - 10/25/16)</b>	Checking	\$	127,848.23
	Savings		123,690.95
<b>Debits:</b>		\$	
JMW Bookkeeping (990 Tax Return)			575.00
Phthisic Consulting, Inc. (Oct 16 Inv.)			3,005.00
Poyner & Spruill (Oct & Nov 16 Invs.)			2,000.00
NC DEQ (Permit Fee)			3,440.00
MFG Consulting, Inc.			125.00
Bank Charges (checks & maintenance fees)			1.00
	Total:	\$	9,146.00
<b>Credits:</b>		\$	
Transfer to Checking			70,000.00
Interest (Savings)			40.99
Craven County Nitrogen Lease for 2017			450.00
Interest (Checking)			32.82
Membership Fees			-
<b>Account Balance (per bank statement -12/21/16)</b>	Checking	\$	189,185.05
LGCU Share Account Balance (savings account)	Savings		53,731.94
			<hr/>
<b>Total NRCA Account Balance</b>		<b>\$</b>	<b>242,916.99</b>

**Lower Neuse Basin Association, Inc. / Neuse River Compliance Association, Inc.**

**Treasurer's Report**

**2/1/2017**

**LNBA**

<b>Balance Forward: (checking per bank statement -12/21/16)</b>	Checking	\$	113,277.20
	Savings	\$	50,315.90
<b>Debits:</b>			
Environment 1 (November & December 16 Inv.)		\$	14,579.16
Phthisic Consulting, Inc. (November & December 16, Inv.)			3,567.27
Poyner & Spruill (Nov. & Dec. 16 Inv)			531.45
MFG Consulting, Inc. (November & December, 16 Inv.)			200.00
Bank Charges (checks & maintenance fees)			<u>1.00</u>
	<b>Total Debits</b>	\$	<b>18,878.88</b>
<b>Credits:</b>			
Interest (checking)		\$	15.38
Interest (savings)			12.75
Membership Fees			-
<b>Checking Account Balance (per bank statement - 1/27/17)</b>		\$	94,413.70
LGCU Share Account Balance (savings account)			<u>50,328.65</u>
<b>Total LNBA Account Balance</b>		<b>\$</b>	<b><u><u>144,742.35</u></u></b>

**NRCA**

<b>Balance Forward: (per bank statement - 12/21/16)</b>	Checking	\$	189,184.05
	Savings		53,731.94
<b>Debits:</b>			
ModMon Payment (FY 2015-16)		\$	70,000.00
Phthisic Consulting, Inc. (Nov. & Dec., 16 Inv.)			6,623.00
Bank Charges (checks & maintenance fees)			1.00
	<b>Total:</b>	\$	<b>76,624.00</b>
<b>Credits:</b>			
Transfer to Checking		\$	-
Interest (Savings)			13.61
Interest (Checking)			21.09
Membership Fees			-
<b>Account Balance (per bank statement -1/27/17)</b>	Checking	\$	112,581.14
LGCU Share Account Balance (savings account)	Savings		<u>53,745.55</u>
<b>Total NRCA Account Balance</b>		<b>\$</b>	<b><u><u>166,326.69</u></u></b>

# FY 2017–18 Budget and Finance Committee Recommendation

1/31/17

**Finance Committee Members** - Barry Parks, City of Wilson; Chuck Smithwick, Contentnea MSD; and Donald Smith, Town of Cary; and Haywood Phthisic, Executive Director.

The committee (through email discussion and conference call) reviewed the proposed budget for FY 2017-18 for the LNBA and NRCA.

## **LNBA Budget:**

[1.] No increase in the draft budget from FY 2016-17. Membership dues will remain unchanged unless there is a change in an individual permit flow.

## **NRCA Budget:**

[1.] An increase of \$5,000 in the proposed budget to provide support to the ModMon program with an appropriation from fund balance to fund this increase for FY 2017-18.

[2.] An increase of \$5,000 in the proposed budget to provide support to the ModMon program with an increase in membership for FY 2017-18.

After review and discussion, the committee recommends the following for consideration by the Board:

1.> **LNBA** - Recommends the approval of the proposed FY 2017-18 budget as presented.

2.> **NRCA** - Recommends the approval of the proposed FY 2017-18 budget with the \$5,000 increase for ModMon with the increase appropriated from fund balance.

Proposed LNBA/NRCA FY 2017 -18 BUDGET			
			Date: 1/31/17
<b>LNBA BUDGET</b>			
		Current	Proposed
<b>Expenditures</b>	FY 15-16	FY 16-17	FY 17-18
	Budget	Budget	
Water Sampling Contract	\$ 92,400.00	\$ 92,400.00	\$ 92,400.00
Consultant Services	30,000.00	34,900.00	34,900.00
Administrative Costs/Website	2,500.00	2,500.00	2,500.00
Educational Training	1,500.00	1,500.00	1,500.00
Metals Monitoring	-	3,500.00	3,500.00
USGS Stream Gage	8,400.00	-	-
<b>Total</b>	\$ 134,800.00	\$ 134,800.00	\$ 134,800.00
<b>Revenues</b>			
Membership Dues	\$ 134,800.00	\$ 134,800.00	\$ 134,800.00
Fund Balance	-	-	-
<b>Total</b>	\$ 134,800.00	\$ 134,800.00	\$ 134,800.00
<b>NRCA BUDGET</b>			
		Current	Proposed
	FY 15-16	FY 16-17	FY 17-18
	Budget	Budget	Budget
Consultant Services	\$ 65,000.00	\$ 65,000.00	\$ 65,000.00
Administrative Costs/Website	2,500.00	2,500.00	2,500.00
Educational Training	1,500.00	1,500.00	1,500.00
MODMON Research	70,000.00	-	5,000.00
DWQ Permit Fee	3,500.00	3,500.00	3,500.00
<b>Total</b>	\$ 142,500.00	\$ 72,500.00	\$ 77,500.00
<b>Revenues</b>			
Membership Dues	\$ 72,500.00	\$ 72,500.00	\$ 72,500.00
Fund Balance	70,000.00	-	5,000.00
<b>Total</b>	\$ 142,500.00	\$ 72,500.00	\$ 77,500.00
<b>Total for LNBA/NRCA</b>	\$ 277,300.00	\$ 207,300.00	\$ 212,300.00

Proposed LNBA/NRCA Membership Dues for Fiscal Year 2017 - 18

Date: 1/31/17

MEMBER	Permitted Flow (MGD)	2017-18 LNBA Base Fee	2017-18 LNBA (Q)	2017-18 Total LNBA Dues	2017-18 NRCA Base Fee	16 - MidYear EOP Pounds of TN	2017-18 NRCA (\$/lbs.)	2017-18 Total NRCA Dues	Total Dues FY 2017-18
Town of Fuquay-Varina*	1.117	\$ 250.00	\$ 850.63	\$ 1,100.63	\$ -	0	\$ -	\$ -	\$ 1,100.63
City of Havelock	1.900	250.00	1,446.91	1,696.91	250.00	16,181	1,009.27	1,259.27	2,956.18
Duke Energy Progress	2.056	250.00	1,565.70	1,815.70	250.00	5	0.31	250.31	2,066.02
Dupont-Kinston, Inc.	3.600	250.00	2,741.51	2,991.51	250.00	1,529	95.37	345.37	3,336.88
City of Kinston	11.850	250.00	9,024.13	9,274.13	250.00	46,556	2,903.88	3,153.88	12,428.00
Johnston County	9.500	250.00	7,234.53	7,484.53	250.00	44,795	2,794.04	3,044.04	10,528.57
City of Goldsboro	14.200	250.00	10,813.72	11,063.72	250.00	68,319	4,261.32	4,511.32	15,575.04
Town of LaGrange	0.750	250.00	571.15	821.15	250.00	7,933	494.81	744.81	1,565.96
Contentnea MSD	3.500	250.00	2,665.35	2,915.35	250.00	6,930	432.25	682.25	3,597.60
Town of Kenly	0.630	250.00	479.76	729.76	250.00	5,220	325.59	575.59	1,305.36
City of Wilson	14.000	250.00	10,661.41	10,911.41	250.00	56,180	3,504.16	3,754.16	14,665.58
Town of Benson	1.900	250.00	1,446.91	1,696.91	250.00	10,899	679.81	929.81	2,626.72
Town of Farmville	3.500	250.00	2,665.35	2,915.35	250.00	8,839	551.32	801.32	3,716.68
Town of Cary	24.800	250.00	18,885.93	19,135.93	250.00	72,996	4,553.04	4,803.04	23,938.98
City of Raleigh	65.200	250.00	49,651.73	49,901.73	250.00	555,038	34,619.86	34,869.86	84,771.59
City of New Bern	6.500	250.00	4,949.94	5,199.94	250.00	52,045	3,246.25	3,496.25	8,696.19
Town of Apex	3.600	250.00	2,741.51	2,991.51	250.00	13,747	857.45	1,107.45	4,098.96
Town of Clayton	2.500	250.00	1,903.82	2,153.82	250.00	15,744	982.01	1,232.01	3,385.84
SGWASA**						55,819	3,481.65	3,731.65	3,731.65
Aquaamerica**						7,486	466.93	716.93	716.93
MCAS Cherry Point**						18,967	1,183.04	1,433.04	1,433.04
Carolina Water Service						8,940	557.62	807.62	807.62
Craven County						0	0	250.00	250.00
Total Flow NRCA	169.986	\$ 4,500.00	\$ 130,300.00	\$ 134,800.00	\$ 5,500.00	1,074,168	\$ 67,000.00	\$ 72,500.00	\$ 207,300.00
Total Flow LNBA	171.103			\$ 134,800.00				\$ 72,500.00	\$ 207,300.00

\* indicates LNBA member only

\*\* indicates NRCA member only

**Draft Neuse River Compliance Association Members' Capital Cost Summary by Year \*\*\***

Date: 1/31/17

Member	Facility	NPDES #	1995 Permitted Flow (MGD)	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
			Current Permitted Flow (MGD)	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Town of Apex	**	NC 0064050	3.600	\$ 5,000	-	-	-	-	-	-	\$ 1,200	-	-	-	-	-	\$ 0,030	\$ 1,600	\$ 0,390	-	-
Aqua, N.C., Inc.	Neuse Colony	NC 0064564	0.500	-	-	-	-	-	-	-	-	-	-	-	-	-	0.360	-	-	-	-
Town of Benson	**	NC 0020389	3.000	-	-	-	-	0.315	-	-	-	0.700	-	-	0.450	-	-	-	-	-	-
Town of Cary	North Facility	NC 0048879	12,000	-	22,383	-	-	22,056	-	-	-	-	-	-	0.044	0.038	-	-	0.780	-	-
	South Facility	NC 0065102	16,000	-	23,132	-	-	3,232	11,537	-	-	-	-	2,522	0.013	0.013	-	0.758	-	-	-
Johnston County	**	NC 0030716	4,990	-	-	0.100	0.150	1,600	5,160	1,550	2,000	3,100	1,000	1,310	4,180	4,150	-	-	1,550	1,530	-
Town of Clayton	**	NC 0025453	1,900	0.006	-	-	-	-	-	-	-	-	1,800	3,953	0.006	1,090	0.090	-	-	0.050	-
Contentinea MSD	**	NC 0032077	2,850	-	-	0.332	0.962	-	-	-	5,350	2,650	-	-	-	-	10,668	2,751	2,800	7,500	-
E. I. Dupont	**	NC 0003760	3,600	-	-	-	-	-	-	-	-	-	-	-	-	-	0.360	0.036	0.450	0.100	-
Town of Farmville	**	NC 0029572	3,500	-	-	3,500	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
City of Goldsboro	**	NC 0023949	16,800	-	0.033	-	-	-	6,537	-	-	-	-	-	-	-	-	-	-	-	-
City of Havelock	**	NC 0021253	1,900	-	-	6,250	-	-	-	-	-	5,300	-	-	-	0.250	0.380	0.600	1,290	-	-
Town of Kenly	**	NC 0064891	0.630	-	-	1,470	-	-	-	-	-	-	-	1,000	-	-	-	1,006	-	-	-
City of Kinston	**	NC 0024236	11,250	-	24,000	-	25,478	-	-	-	1,500	-	-	-	-	-	-	-	-	-	-
Town of La Grange	**	NC 0021644	0.750	3,500	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
City of Raleigh	Neuse River	NC 0029033	60,000	13,696	-	-	-	-	-	5,748	0,560	-	15,839	12,234	29,923	-	-	-	-	-	2,800
	Smith Creek	NC 0030759	6,000	-	-	-	-	-	-	-	-	-	-	-	-	-	3,584	-	-	-	-
	Little Creek	NC 0079316	1,850	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1,232
USMC Cherry Point	**	NC0003816	3,500	0.847	2,654	1,414	-	-	1,216	0,799	1,562	1,247	9,774	-	0,124	-	-	3,041	-	-	-
City of New Bern	**	NC0025348	4,700	-	-	-	-	-	22,000	-	9,800	-	-	-	-	0,200	0,081	-	-	-	-
Duke Energy	Lee Facility	NC 0003417	0*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
SGWASA	**	NC0028824	3,500	-	-	-	-	8,400	0,485	1,700	3,600	0,510	-	-	0,297	0,336	2,050	0,290	-	5,500	-
City of Wilson	**	NC 0023906	14,000	-	2,150	5,574	0,200	2,591	3,000	0,690	2,350	-	-	1,630	0,100	0,100	1,770	-	2,050	-	-
Utilities, Inc (CWS)	Fairfield Harbour	NC 0033111	1,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0,090	0,390	-
<b>Totals</b>			<b>177,820</b>	<b>\$ 23,05</b>	<b>\$ 74.35</b>	<b>\$ 18.64</b>	<b>\$ 26.79</b>	<b>\$ 38.19</b>	<b>\$ 49.94</b>	<b>\$ 10.49</b>	<b>\$ 27.92</b>	<b>\$ 13.51</b>	<b>\$ 28.41</b>	<b>\$ 22.65</b>	<b>\$ 35.32</b>	<b>\$ 6.06</b>	<b>\$ 19.37</b>	<b>\$ 10.08</b>	<b>\$ 9.40</b>	<b>\$ 15.07</b>	<b>\$ 4.032</b>
<b>Sum from 1997 to Dec. 31 2002:</b>									<b>\$ 230,960</b>												
<b>Sum from 1997 to Dec. 31 2013:</b>																					<b>\$ 429.24</b>

\* Duke Energy has pass through flow with permit condition not required. Water used for cooling purposes.

\*\* Members with one wastewater treatment facility do not have a specified facility name; members with multiple facilities have facility name specified.

\*\*\* Amounts in each column are in million dollars.

## By-Law Committee Recommendations

1/31/17

**By-Law Committee Members** - James Warren, Town of Clayton; Timothy Webb, City of Havelock and Haywood Phthisic, Executive Director.

The committee (through email discussion and conference call) reviewed the proposed by-law revisions for the LNBA and NRCA. After review and discussion, the committee recommends the following for consideration by the Board:

- 1.> **LNBA** – The committee recommends the Board consider approving the 3 by-law revisions (attached document).
- 2.> **NRCA** - The committee recommends the Board consider approving the 3 by-law revisions (attached document).

## ***LNBA/NRCA By-Law Revisions for Consideration to Discussion***

### **LNBA**

➤ **Article V, Section 2. Number and Appointments:**

The current by-laws permit a Director and Alternate. Amend this article to allow each member to appoint a second alternate should they choose to do so.

- **Article V, Section 7. Quorum:** The current requirement for a quorum is 50% or greater of the voting members. The LNBA has 18 members so we currently need 9 or more for a quorum. Consider amending the by-laws to 40% present to be considered a quorum for discussion of association business (7 members present). Any action would be deferred to an electronic vote as permitted in the bylaws or deferred to the next board meeting.

- **Article V, Section 8. Voting:** Clarify the voting responsibility of Director/Alternate if the Director is serving as Chair. Roberts Rules of Order state the Chair should remain impartial on any matter before the Board. In this case the Alternate should be acknowledged as the voting party for the member.

### **NRCA**

➤ **Article V, Section 2. Number, Appointment, and Term:**

The current by-laws permit a Director and Alternate. Amend this article to allow each member to appoint a second alternate should they choose to do so.

- **Article V, Section 7. Voting:** Clarify the voting responsibility of Director/Alternate if the Director is serving as Chair. Roberts Rules of Order state the Chair should remain impartial on any matter before the Board. In this case the Alternate should be acknowledged as the voting party for the member.

- **Article VII, Section 3. Quorum:** The current requirement for a quorum is 50% or greater of the voting members. The NRCA has 22 members so we currently need 11 or more for quorum. Consider amending the by-laws to 40% present is considered a quorum for discussion of association business (9 members present). Any action would be deferred to an electronic vote as permitted in the bylaws or deferred to the next board meeting.

## LNBA~NRCA Board Meeting Attendance Summary

1/19/2017

Date	LNBA Attending	Total Members	% of members		NRCA Attending	Total Members	% of members	Host
11/3/2016	12	18	67		14	22	64	Grifton
9/1/2016	10	18	56		12	22	55	Goldsboro
5/5/2016	10	18	56		12	22	55	Clayton
2/4/2016	8	18	44	*	11	22	50	Raleigh
11/5/2015	11	18	61		14	22	64	Kinston
9/3/2015	10	18	56		12	22	55	Wilson
5/7/2015	10	18	56		12	22	55	Kenly
3/5/2015	11	18	61		14	22	64	Cary
1/8/2015	14	18	78		17	22	77	Grifton
11/6/2014	12	18	67		15	22	68	Goldsboro
9/4/2014	10	18	56		12	22	55	Wilson
5/1/2014	10	18	56		12	22	55	Raleigh, P & S
2/6/2014	12	18	67		15	21	71	Kinston
11/7/2013	12	18	67		14	21	67	Raleigh
9/5/2013	12	18	67		15	21	71	New Bern
5/2/2013	11	18	61		14	21	67	Clayton
2/7/2013	15	18	83		19	21	90	Havelock
11/1/2012	11	18	61		12	20	60	Goldsboro
9/6/2012	13	18	72		14	20	70	Wilson
6/28/2012	9	18	50	*	11	20	55	Cary
5/3/2012	14	18	78		17	20	85	Smithfield
1/5/2012	13	18	72		13	19	68	Raleigh
Avg. Attend.	11	18	63		14	22	62	

LOWER NEUSE RIVER BASIN ASSOCIATION  
Comments on EPA's 2016 North Carolina 303(d) Decision Document

1. The LNBA and its members have cooperatively worked with the NC DWR in the review and development of many of NC's rules and regulations related to water quality. It is through the rules and regulations adopted using the appropriate Administrative Procedures that good, fair, and just governmental regulations are constructed. In this light, the LNBA has also been heavily involved in the NC Environmental Management Commission's (EMC) methodology for generating the NC 303(d) list. The NC 303(d) list methodology provides the benefit of identifying waters that are actually impaired. The EPA 303(d) list additions should not dilute the focus on impaired waters by including waters on the 303(d) list without confidence. Our members and their communities must deal with the consequences of the 303(d) listing decisions. EPA's 2016 303(d) Decision Support Document inappropriately overrides NC's desire to establish a reasonable risk level approach for determining the attainment of NC's water quality standards. The LNBA generally supports the decisions and the administrative process used by the NC EMC in establishing the NC 303(d) methodology.

2. The EPA Region IV 303(d) Decision Support Document proposes to add the following Neuse River Basin waters to the NC 303(d) list because EPA has the philosophy that it should require more rigor to delist waters. There is no EPA regulation that requires this level of rigor. The EMC has determined that these waters are assessed as not exceeding the NC water quality standards. The EPA should indeed differentially leave this decision to the state unless there are specific regulations at the federal level that require a more rigorous delisting approach. EPA should remove these waters from their proposed 2016 303(d) list.

27-52-(1)b Mill Creek (Moorewood Pond) Neuse **Dissolved Oxygen**

27-86-3-(1)a2 Turkey Creek Neuse **Dissolved Oxygen**

3. The EPA Region IV 303(d) Decision Support Document proposes to add the following Neuse River Basin waters to the NC 303(d) list because EPA has the philosophy that a very limited number of samples (<10) can adequately determine compliance with water quality standards. There is no EPA regulation that requires this level of rigor. The EMC has considered all of the existing and readily available data used in these assessments. The EMC has determined that these waters are not exceeding the NC Water Quality Standards for 303(d) purposes. The EPA should indeed differentially leave this decision to the state unless there are specific regulations at the federal level that require the 303(d) listing (as opposed to considering) of waters with less than ten observations. EPA should remove these waters from their proposed 2016 303(d) list because the available information has been determined inadequate by the EMC to consider these waters impaired.

27-10-(1) Ledge Creek (Lake Rogers) Neuse **Chlorophyll**

27-10-(1) Ledge Creek (Lake Rogers) Neuse **Turbidity**

27-33-(1) Crabtree Creek Neuse **Chlorophyll**

27-33-(3.5)a Crabtree Creek (Crabtree Lake) Neuse **Chlorophyll**

27-43-(5.5)b Swift Creek (Lake Benson) Neuse **Chlorophyll**

27-43-15-3 Basal Creek [(Bass Lake,(Mills Pond)] Neuse **Chlorophyll**

27-86-11-(1) Toisnot Swamp (Silver Lake, Lake Wilson) Neuse **Chlorophyll**

## LOWER NEUSE RIVER BASIN ASSOCIATION

### Comments on Draft Human Health Recreational Ambient Water Quality Criteria or Swimming Advisories for Microcystins and Cylindrospermopsin EPA 822-P-16-002.

1. The LNBA and its members have cooperatively worked with the NC Division of Water Resources in the review and development of many of NC's rules and regulations related to water quality. The LNBA has also been heavily involved in the NC Environmental Management Commission's (EMC) methodology for generating the NC 303(d) list. Our NPDES members and their communities must deal with the consequences of the 303(d) listing decisions. As such we are particularly interested the draft document's suggestion of the CWA 303(d) 10 % exceedance frequency and alternative frequencies. This is a regulatory decision and as such should be made in a regulatory review process. The criteria document does not represent water quality standards for comparison to a regulatory threshold. These elements of the criteria document should be removed. We support North Carolina's general statutes which delegate this authority to the NC EMC. The vast scientific uncertainty in deriving the recommended criteria do not support the adoption of these criteria into regulatory requirements.

2. In NC the Occupational & Environmental Epidemiology Branch is the arm of our public health agency that deals with environmental and occupational conditions and hazards that may pose a risk to human health ( <http://epi.publichealth.nc.gov/oea/z/algae.html> ). This agency provides a very practical set of recommendations that proactively informs the public about cyanobacteria blooms and human health exposure. Since most recreational water bodies are not, and never will be, monitored for specific algal toxins the advice does not rely on laboratory analysis nor does it rely on the necessary delays caused by sampling and analytical assessments. A number of the significant points presented by the NC health agency are included here because the EPA draft document neglects the importance of similar proactive advice and makes not mention of the fact that most recreational waters will never be monitored for toxins:

- Children and dogs are the most vulnerable to the effects of cyanobacterial toxins.
- Dogs are especially susceptible to cyanotoxins that attack the nervous system.
- Deaths of dogs associated with cyanobacteria have been identified in North Carolina.
- Inadvertently, dogs can alert us to possible adverse human health effects due to blooms.
- No reports of cyanobacterial adverse health effects in children have been identified in NC.

N.C. DHHS recommends harmful cyanobacterial safeguard actions for pets and children

- Keep children and pets away from waters that appear discolored or scummy.
- Do not handle or touch large accumulations ("scums" or mats) of algae.
- Do not water ski or jet ski over algal mats.
- Do not use scummy water for cleaning or irrigation.
- If you accidentally come into contact with an algal bloom, wash thoroughly.
- If your pet appears to stumble, stagger, or collapse after being in a pond, lake or river, seek veterinary care immediately.
- If your child appears ill after being in waters containing a bloom, seek medical care immediately.
- If you are unsure whether or not a bloom is present, it is best to stay out of the water.

3. Given the advantages expressed in using proactive recreational exposure advisories such as those provided above, the LNBA remains very tentative about the intent of EPA to potentially use this draft document for stimulating rules and regulations. Briefly stated, EPA should remove any suggestion that the document's highly uncertain numeric thresholds be used as the basis for regulation development.