

**Lower Neuse Basin Association®/Neuse River Compliance Association®**  
**September 7, 2017, Meeting Minutes**  
**Dow Dupont-Kinston Facility, Kinston, N.C.**

**Attending:**

Donald Smith	Town of Cary	Dan McLawhorn	City of Raleigh
Tony Hawkins	City of New Bern	Jeff White	Dow Dupont-Kinston
Mike Graham	Duke Energy Progress	Emily Elmore	City of Kinston
Paul Allen	Town of Benson	Jimmy Pridgen	City of Wilson
Laura Pruitt	City of Havelock	Chandra Farmer	Johnston County
T. J. Lynch	City of Raleigh	Danny Lassiter	CWS, Inc.
James Warren	Town of Clayton	Chuck Smithwick	Contentnea MSD
Dan Wall	Johnston County	Gary Perlmutter	DEQ DWR Permitting
Trupti Desah	DEQ DWR Permitting	Tim Broome	Johnston County
Kenny Stevens	City of Kinston	Martin Lebo	AquAeTer
Glenn Dunn	Poyner & Spruill	Cyndi Karoly	DEQ DWR Water Science
Mike McAllister	Town of Kenly	Mike Wagner	City of Goldsboro
Randall Harrell	Dow Dupont-Kinston	Mark VanDer Borgh	DEQ DWR Water Science
Haywood Phthisic	LNBA/NRCA		

The Chair, Dan McLawhorn, called the meeting to order and welcomed everyone. The roll was called and there were 13 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.

**Board Minutes** – The Board Minutes from the May 4, 2017 meeting were presented and approved by the Boards.

**Member Reports** – All members were given the opportunity to share any items that may be of interest to the associations.

**Treasurer's Report** - The Treasurer's Report for June, July, and August, 2017, were presented by Donald Smith, Treasurer. As of August 28<sup>th</sup> the LNBA account balances were \$218,332.73 and NRCA account balances are \$210,821.20. With no discussion T. J. Lynch made a motion to approve the reports as presented, seconded by Kenny Stevens, and approved by the Board. Membership fees for FY 2017-18 have been received from all members in both associations.

**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 May, June, July, and August, 2017. Data sets have been received through June, 2017 and uploaded to the website. All invoices through July, 2017 have been processed and paid.

*May, 2017* – J5250000, J5410000 and J5500000 were inaccessible due to road flooding. As a result, the second set of field parameter readings could not be done for these 3 locations. Full sample collection was done at each of these later in May. The final data results have been received. All samples collected, analyzed, and reported per MOA.

*June, 2017* - All samples were collected and analyzed per MOA requirements. The final data sets have been received and posted on the LNBA website.

*July, 2017* - All samples were collected per MOA requirements. Results are in the final data review.

*August, 2017* - All samples collected with the following exception: J5410000 (8/13 & 8/29) unable to sample due to bridge construction.

**LNBA/NRCA Annual Training Workshop** – The workshops were held on July 18, 2017 in Raleigh and July 20, 2017 in Kinston. A total of 96 attendees received CEUs for participating in the workshop this year. Cost for the workshops was \$1,829.33 (lunch and snacks). The CEU Report for the workshops has been submitted to DWR.

**NRCA Mid-Year Report** – The summary page of the 2017 mid-year report (July 1, 2016 to June 30, 2017) was presented to the Board. The members continue to achieve outstanding end of pipe total nitrogen concentrations with many operating below 3.0 mg/L. for both associations. This report is not required to be submitted to DWR until the NRCA exceeds 80% of its allocation. However, this report is prepared to calculate the NRCA membership dues each year.

**Financial Policy for LNBA and NRCA** – Haywood presented a draft financial policy for the Board to review and consider adopting at a future board meeting. The purpose of the policy is to memorialize how the associations conduct their financial business (in addition to the requirements of the by-laws). The Board was asked to review the document and make suggested edits, if any, to Haywood so the Board could consider adopting the policies in November.

**Rules Review Schedule and Process** – The proposed Rules Re-adoption process is moving forward with being placed on the Environmental Management Commission, Water Quality Committee's agenda for the meeting in September. Dan gave several examples of rule revisions that have not been vetted and noted a follow up with the water quality committee chair requesting a delay in moving these rules forward is in order.

**Atlantic Sturgeon Update** – Portions of the Neuse River have now been designated as critical habitat area for the Atlantic Sturgeon. This may become another issue when renewing or expanding your NPDES permits.

**Smithfield Agreement Lawsuit** – Glenn Dunn presented a memo outlining a recent lawsuit filed against the Smithfield agreement which was designated to offset swine issues in river basins where pollution occurred. At issue in this case is the fact the payments are in lieu of civil penalties and should be declared unconstitutional and payments stopped (\$2 million annually). Following discussion, the Boards took no action.

**Legislative Update** – Dan updated the Board on recent legislation noting that the Institute of Government at UNC-CH has posted all legislation posted on that website.

The next meeting is scheduled for November 2, 2017 at 10:00 hosted by the Johnston County. With no further business, the meeting was adjourned.