

AGENDA

Lower Neuse Basin Association, Inc.[®] Neuse River Compliance Association, Inc.[®]

November 6, 2025

Cary, N. C.

10:00 a.m.

- **Welcome, Roll Call, and Introduction of Guests**
 - * **Member Introductions**
- **Approval of Minutes September 4, 2025 (AI) – Chuck, pages 2-3 (AI)**
- **Special Award – Chuck, Haywood, page 4**
- **LNBA/NRCA Financials –**
 - * **LNBA/NRCA Treasurer Reports (AI) – Jonathan, pages 5-6 (AI)**
 - * **990 Tax Returns for the LNBA & NRCA - Haywood**
 - * **Legal Counsel Recommendation to Board – Executive Committee, Haywood, page 7**
- **Board Meeting Dates for 2026 – Chuck, Haywood (AI)**
 - February 5th; May 7th, September 3rd, and November 5th.**
- **LNBA Updates -**
 - * **Sampling Report – August, September, and October, 2025 – Haywood, page 8**
- **Fuquay-Varina Interbasin Transfer (IBT) Request – Chuck, Dan, Haywood, page 9**
- **Draft Neuse Watershed Model Update – Executive Committee, Haywood**
 - * **Meeting with DWR Director -**
 - * **Continued Discussion on the Draft Transport Factors – Page 10-11**
- **Member Reports -**
- **Next Meeting and Adjourn – February 5, 2026, Clayton, N. C.**

Action Items (AI)

**Lower Neuse Basin Association®/Neuse River Compliance Association®
September 4, 2025 Meeting Minutes
City of Wilson, N. C.**

Attending:

Chuck Smithwick (Chair)	Contentnea MSD	Jonathan Bulla (Treas)	Town of Cary
Nathan Howell	City of Raleigh	Dan Wall	Johnston County
Corrie Bondor	Town of Cary	Lori Avent (Sec)	Town of Apex
Dan McLawhorn	McLawhorn Legal	Jimmy Pridgen (V-Chair)	City of Wilson
Reggie Hicks	City of Durham	Scott Smart	City of Raleigh (virtual)
David White	Town of Clayton	Bert Sherman	City of Goldsboro
Jonathon Lucas	Aqua, N.C.	Dylan Haman	Town of Grifton
William Beattie	Town of Apex	James Blalock	Town of Clayton
Laura Pruitt	City of Wilson	Andrew Harris	Waypoint Anal.
Justin Oakes	Town of Farmville	Jay Sauber	Sauber Water Quality Consultant
Barrett Jenkins	Davey Mitigation	David Staab	City of Wilson
Steven Jensen	Town of Benson	Salvidor Valdiviezo	Twon of Benson
Philip Smith	Town of Kenly	John Kiviniemi	Hazen & Sawyer
Nick Coco	DWR – Permitting	Brian Pridgen	Contentnea MSD
Ray Burgos	CovationBio	Ben Overton	City of Kinston
Richard Weaver	MCAS-CH	Travis Warters	Town of Snow Hill
Haywood Phthisic	LNBA/NRCA		

The Chair, Chuck Smithwick, called the meeting to order and welcomed everyone. The roll was called and there were 14 of 19 members present representing the LNBA and 16 of 24 members present representing the NRCA. The Chair welcomed the Board members and guests.

Board Minutes – The Board Minutes for the May 1, 2025 meeting were presented. Being no revisions, Dan Wall made the motion to approve, seconded by Jimmy Pridgen and approved by the Boards.

LNBA/NRCA Financials – Treasurer’s Reports – Jonathan presented the Treasurer's Report for the period of May, June, July, and August, 2025 to the Boards. As of August 31st, the LNBA account balance is \$386,739.92 and NRCA account balance is \$428,555.96. Following discussion, Reggie Hicks made the motion to approve, seconded by Dan Wall, and approved by the Boards.

Civic Federal Credit Union Issue – Haywood reported CFCU had a software issue that rejected checks drawn on the LNBA checking account in June and July. The credit union reimbursed the LNBA for charges to the checking account by our vendors. Civic reported the issue had been resolved and no further issue should occur.

Update on Legal Counsel Search – The Chair updated the Board members in the search for a replacement to the associations' general counsel. Three firms have been identified that have experience in governmental, nonprofit corporation, and environmental background. Following discussion, Reggie Hicks made a motion for the Executive Committee to bring a recommendation to the Board at the November meeting, seconded by David White, and approved by the Boards.

NRCA Updates -

NRCA Draft Midyear Report – Haywood reviewed the midyear report noting there has been increases by a few members that are not normally expected. Haywood noted there has been wet conditions that may be influencing the data. The complete report will be sent for member review. Haywood also reviewed the end of pipe TN summary noting there had been recent conversations to lower the permit requirements for total nitrogen (in Falls Lake) to 2.0 mg/L. The EOP summary of the membership does not support this reduction.

LNBA Updates –

Work continues on the Lower Neuse River Monitoring Service Contract No. 6 with Waypoint Analytical. All sampling was completed by Waypoint in May, June, and July, 2025 with no exceptions.

All invoices have been processed and paid through July, 2025.

Neuse River Basin Modeling Update – The Chair opened the discussion on the draft Neuse River Watershed Model and asked Haywood to review the example transport factor tables for the Board. Haywood illustrated, with the 2024 annual report, how the draft transport factors changed the reported estuary total nitrogen delivery (reduction of approximately 43,000 lbs.). From the NRCA's perspective there is a significant benefit provide those members that are adversely impacted can be remedied. At this point, we need to engage DWR for additional information on completion of the draft Neuse Watershed Model, time table for implementation, if at all, and holding harmless those impacted by the transport factor revision.

Tar Pamlico Proposed – Dan and Haywood noted that the proposed rules for the Tar Pamlico Basin (for those wastewater facilities) had been modified, approved by EMC, and now codified in the statutes.

LNBA/NRCA Training Workshop – Haywood reported there were 30 operators that received 6 hours CEUs in Kinston and 30 that received 6 hours CEUs in Raleigh at the annual training workshops. The amount spent on lunch/snacks for both workshops was \$1,814.38.

The next meeting is scheduled for November 6, 2025 at 10:00 hosted by Town of Cary in Cary, N. C. With no further business, the meeting was adjourned.

Senior Lawyers Division Fall Meeting honoring the 2025 Legal Practice Hall of Fame

Welcome

Dan Hartzog, SLD Chair

Presentation of 2025 Inductees

Judge Linda McGee

Glenn A. Barfield

Presented by Shelby Benton

Wm. Michael Begley

Presented by Allison Quigley

Janet Ward Black

(Elizabeth L. Quick to accept on behalf)

Presented by Judge Linda McGee

William K. Davis

Presented by Richard Bennett

Daniel F. McLawhorn

Presented by Nicolette Fulton

John L. Pinnix

Presented by Noel Allen

Vasiliki (Ceila) A. Pistolis

Presented by Ashley Campbell

Donna Rascoe

Presented by Q. Shante Martin

Closing Remarks

Joseph A. Williams, SLD Chair-Elect

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

Treasurer's Report

11/3/2025

LNBA

Balance Forward: (checking per bank statement - 8/31/2025)	Checking	\$	201,043.22
	Savings		185,696.64
Debits:		\$	
Waypoint Analytical, Inc. (LNBA, Invoices)			24,389.90
Waypoint Analytical, Inc. (Raleigh, Invoices)			3,007.32
Sauber Water Quality Consulting			366.00
PCi (Invoices)			6,507.40
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Total Debits		\$	34,270.62
Credits:		\$	
Interest (checking)			45.80
Interest (MM acc't, savings)*			933.22
Civic Reimbursements			-
LNBA Membership Fees			752.43
Checking Account Balance (per bank statement - 10/31/2025)	Checking	\$	167,570.83
	Savings		186,629.86
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Total LNBA Account Balance		\$	354,200.69

NRCA

Balance Forward: (per bank statement - 8/31/2025)	Checking	\$	128,295.25
	Savings		300,260.71
Debits:		\$	
PCi (Invoices)			9,747.00
River Delta Consulting			960.00
Sauber Water Quality Consulting			366.00
McLawhorn Law Office			800.00
			<hr/>
Total:		\$	11,873.00
Credits:		\$	
Transfer from Checking to Savings Acc't			-
Interest (MM acc't, savings)*			1,509.03
Interest (Checking)			30.50
NRCA Membership Fees			565.44
Account Balance (per bank statement - 10/31/2025)	Checking	\$	117,018.19
	Savings		301,769.74
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Total NRCA Account Balance		\$	418,787.93

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

Treasurer's Report

5/12/2025

LNBA

Balance Forward: (checking per bank statement - 1/31/2025)	Checking	\$	117,925.03
	Savings		182,489.46
Debits:		\$	
Waypoint Analytical, Inc. (LNBA, Invoices)			24,339.90
Waypoint Analytical, Inc. (Raleigh, Invoices)			4,510.98
River Delta Consulting			-
PCi (Invoices)			5,705.50
			<hr/>
Total Debits		\$	34,556.38
Credits:		\$	
Interest (checking)			37.63
Interest (MM acc't, savings)*			1,339.60
Civic Addition to Savings Acc't			-
Checking Account Balance (per bank statement -4/28/2025)	Checking	\$	83,406.28
	Savings		183,829.07
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Total LNBA Account Balance		\$	267,235.35
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NRCA

Balance Forward: (per bank statement -1/31/2025)	Checking	\$	87,605.29
	Savings		295,073.67
Debits:		\$	
PCi (Invoices)			9,899.00
WSP, Inc.			3,633.50
Sauber Water Quality Consulting			2,013.00
River Delta Consulting			960.00
McLawhorn Law Office			2,500.00
			<hr/>
Total:		\$	19,005.50
Credits:		\$	
Transfer from Checking to Savings Acc't			-
Interest (MM acc't, savings)*			2,166.14
Interest (Checking)			28.76
Civic Addition to Savings Acc't			-
Account Balance (per bank statement - 4/28/2025)	Checking	\$	68,628.55
	Savings		297,240.83
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Total NRCA Account Balance		\$	365,869.38
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General Counsel Report by LNBA/NRCA Executive Committee and Recommendation

11/06/2025

Executive Committee Members – Jonathan Bulla, Town of Cary; Chuck Smithwick, Contentnea MSD; Jimmy Pridgen, City of Wilson; Lori Avent, Town of Apex; and Haywood Phthisic, Executive Director.

The Committee, with the assistance of general counsel and the executive director, identified firms in the Raleigh area that had counsel with a focus on municipal government functions, non-profit corporations, considerable experience in environmental law. Three firms were identified: Poyner & Spruill, LLP in Raleigh; Parker Poe, LLP in Raleigh; and Smith Anderson, Blount, Dorsett, Mitchell, & Jernigan, LLP in Raleigh.

The Executive Committee met and interviewed each counselor (from each firm). Each counselor was briefed on the function of each association, anticipated issues that the associations could or would confront in the near future, frequency of meetings, and the expectations of counsel for the associations.

The Committee met following the interviews to review and discuss the information provide by each firm and the counselor. The Committee voted unanimously to select, recommend, and make the motion to the Board to engage Smith Anderson as General Counsel for the Associations and to authorize the Chair to execute the agreement.

Lower Neuse Basin Association®

TO: Board Members

FROM: Haywood Phthisic, Executive Director

SUBJECT: Sampling/Monitoring Report for November 6, 2025 Board Meeting

DATE: November 04, 2025

Work continues on the Lower Neuse River Monitoring Service Contract No. 6 with Waypoint Analytical. All sampling was completed by Waypoint in August, September, and October, 2025 with the following exceptions:

September 2025

9/16/25 – J2230000 (Smith Creek at SR-2045 near Wake Forest) – Stream too low to sample: parameters only.

October 2025

10/15/25 – J2230000 (Smith Creek at SR-2045 near Wake Forest) – Stream too low to sample: parameters only.

September report is being compiled. All invoices have been processed and paid through September, 2025.

Town of Fuquay-Varina Interbasin Transfer Certificate

NOTICE OF PUBLIC HEARINGS

Thursday, Dec. 4, 2025, 6 p.m., sign-in starting at 5:30 p.m.
Fayetteville Technology Community College
Cumberland Hall Auditorium, 2220 Hull Road, Fayetteville, N.C. 28303

Tuesday, Dec. 9, 2025, 6 p.m., sign-in starting at 5:30 p.m.
Ground Floor Hearing Room, Archdale Building
512 N. Salisbury Street, Raleigh, N.C. 27604

Thursday, Dec. 11, 2025, 6 p.m., sign-in starting at 5:30 p.m.
Chatham County Agriculture & Conference Center
1192 U.S. Hwy 64 West Business, Pittsboro, N.C. 27312

The Town of Fuquay-Varina (Town) currently relies on wholesale water purchased from neighboring water systems; however, this supply is projected to fall short of future demands, with shortfalls projected by 2030. The preferred alternative will source water from the Tri-Rivers Water Treatment Plant in the Cape Fear River Basin. This requires an Interbasin Transfer (IBT) Certificate; therefore, the Town is seeking approval to transfer 6.17 million gallons per day from the Cape Fear River basin (2-3) to the Neuse River basin (10-1).

The North Carolina Environmental Management Commission will hold three public hearings on the draft Environmental Impact Statement (EIS) for the IBT Certificate request. The draft EIS is available on DEQ's website (link below) and via the North Carolina Department of Administration Environmental Review Clearinghouse. Access to the hydrologic model used in the EIS is also available upon request through the DEQ's website (link below).

DEQ's website for the Town of Fuquay-Varina's IBT request:

<https://www.deq.nc.gov/about/divisions/water-resources/water-planning/water-supply-planning/interbasin-transfer-certification/fuquay-varina-ibt>.

The public is invited to attend the public hearings to provide relevant comments on the draft EIS document for the requested IBT Certificate. Speaking time may be limited based on attendance. Please submit written copies of verbal comments.

In addition to accepting comments at the hearings, written comments may also be submitted by mail to Maya Holcomb, Division of Water Resources, 512 N Salisbury St, Raleigh, N.C., 27604, or by email to maya.holcomb@deq.nc.gov by Feb. 1, 2026.

TN Reduction Target = 30%

	Q95-pmt	TN load-eop
Facility 1	20.0	204,185
Facility 2	3.5	68,680
Facility 3	3.0	57,309
Facility 4	60.0	1,322,203
Facility 5	16.0	259,898
Facility 6	14.0	264,679
Facility 7	16.8	358,840
Facility 8	6.75	97,264
Facility 9	2.85	60,632
Facility 10	4.7	120,251
Facility 11	3.5	68,325
Facility 12	1.9	18,065
TOTAL	153.0	2,900,331

Target TN Load @ estuary = 1,067,335

Equip TN conc (mg/L) = 4.60				
Sample Calculations w/ 1995 TFs				
TF ₁	TN load-esty	TN alloc-EOP	TN alloc-esty	
10%	20,419	280,030	28,003	
10%	6,868	49,005	4,901	
10%	5,731	42,005	4,200	
50%	661,102	840,090	420,045	
50%	129,949	224,024	112,012	
50%	132,340	196,021	98,011	
70%	251,188	235,225	164,658	
70%	68,085	94,510	66,157	
70%	42,442	39,904	27,933	
100%	120,251	65,807	65,807	
100%	68,325	49,005	49,005	
100%	18,065	26,603	26,603	
TOTAL	1,524,764	2,142,230	1,067,335	

Target @ estuary = 1,067,335

Equip TN conc (mg/L) = 4.65				
Sample Calculations w/ 2003 TFs				
TF ₂	TN load-esty	TN alloc-EOP	TN alloc-esty	
12%	24,502	283,183	33,982	
12%	8,242	49,557	5,947	
12%	6,877	42,477	5,097	
81%	1,070,984	849,548	688,134	
53%	137,746	226,546	120,069	
77%	203,803	198,228	152,635	
85%	305,014	237,873	202,192	
93%	90,456	95,574	88,884	
94%	56,994	40,354	37,932	
100%	120,251	66,548	66,548	
100%	68,325	49,557	49,557	
100%	18,065	26,902	26,902	
TOTAL	2,111,259	2,166,348	1,477,881	

Target @ estuary = 1,477,881

Example of Balancing End of Pipe Lbs. and not Holding Estuary TN Allocation as is.

Member Facility	NPDES #	Transport Factor	EOP TN Allocation	New EOP TN Allocation	Net EOP TN Change	Estuary TN Allocation	% of Estuary	Extra Pounds Distributed by %	Total New EOP	Net EOP TN Change	New Estuary TN
SGWASA	NC0026824	10.0%	22,420	22,420	0	2,242	0.002	308	22,728	308	2,273
Town of Hillsborough	NC0026433	10.0%	10,422	10,422	0	1,042	0.001	143	10,565	143	1,057
City of Durham	NC0023841	10.0%	97,665	97,665	0	9,767	0.008	1,341	99,006	1,341	9,901
Town of Apex	NC0064050	35.3%	40,547	57,433	16,886	20,274	0.017	2,784	43,331	2,784	15,296
Town of Benson	NC0020389	41.2%	33,070	40,133	7,063	16,535	0.014	2,271	35,341	2,271	14,560
Town of Cary - North	NC0048879	34.4%	143,246	208,206	64,960	71,623	0.060	9,836	153,082	9,836	52,660
Town of Cary - South	NC0065102	40.5%	180,211	234,448	54,437	90,105	0.075	12,375	192,586	12,375	77,997
City of Raleigh - Smith Creek	NC0030759	40.5%	70,814	87,425	16,611	35,407	0.030	4,863	75,677	4,863	30,649
City of Raleigh - Neuse	NC0029033	46.2%	713,373	772,050	58,677	355,687	0.299	48,986	762,359	48,986	352,210
Raleigh - Ground Water	NA	%									
City of Raleigh - Little Creek	NC0079316	23.7%	26,660	56,245	29,585	13,330	0.011	1,831	28,491	1,831	6,752
Town of Clayton	NC0025453	47.5%	26,636	28,038	1,402	13,318	0.011	1,829	28,465	1,829	13,521
Neuse Colony, (Aqua NC)	NC0064564	48.0%	8,447	8,800	353	4,224	0.004	580	9,027	580	4,333
Johnston County	NC0030716	52.9%	73,476	69,448	-4,028	36,738	0.031	5,045	78,521	5,045	41,538
Town of Kenly	NC0064891	52.5%	7,096	6,758	-338	3,548	0.003	487	7,583	487	3,981
Town of Farmville	NC0029572	66.9%	42,211	31,549	-10,662	21,106	0.018	2,899	45,110	2,899	30,178
Town of Snow Hill	NC0020842	65.7%	5,632	4,286	-1,346	2,816	0.002	387	6,019	387	3,954
City of Wilson	NC0023906	51.6%	157,886	152,990	-4,896	78,943	0.066	10,842	168,728	10,842	87,063
Duke Energy - Lee Facility	NC0003417	62.8%	3,260	3,634	374	2,282	0.002	313	3,573	313	2,244
City of Goldsboro - Pipe 01	NC0023949	62.0%	199,822	225,606	25,784	139,876	0.117	19,210	219,032	19,210	135,800
City of Goldsboro - Pipe 02											
Town of LaGrange	NC0021644	60.8%	8,447	9,725	1,278	5,913	0.005	812	9,259	812	5,630
City of Kinston (Regional)	NC0024236	76.7%	126,711	115,641	-11,070	88,697	0.074	12,181	138,892	12,181	106,530
Contentnea MSD	NC0032077	76.0%	37,100	34,171	-2,929	25,970	0.022	3,567	40,667	3,567	30,907
CoventonBio, Inc.	NC0003760	79.0%	25,493	22,589	-2,904	17,845	0.015	2,451	27,944	2,451	22,076
City of New Bern	NC0025348	98.1%	64,210	65,454	1,244	64,210	0.054	8,818	73,028	8,818	71,641
MCAS Cherry Point	NC0003816	88.7%	39,421	44,443	5,022	39,421	0.033	5,414	44,835	5,414	39,769
City of Havelock	NC0021253	88.7%	21,400	24,126	2,726	21,400	0.018	2,939	24,339	2,939	21,589
Craven County	NC0084460	88.7%	0	0	0	0	0.000	0	0	0	0
Carolina Water Service, Inc.	NC0093111	99.5%	11,263	11,320	57	11,263	0.009	1,547	12,810	1,547	12,746

Total Estuary = 248286
 Extra lbs @ EOP = 2,445,225
 Total lbs @ EOP = 1,194,582
 Adjustment Factor = 0.661
 Extra lbs @ EOP = 163,750
 100% @ EOP = 2,338,269
 1,194,581