

**Lower Neuse Basin Association®/Neuse River Compliance Association®  
February 2, 2023 Meeting Minutes  
City of Raleigh, N. C.**

**Attending:**

John Kiviniemi (Chair)	Raleigh Water	Donald Smith (Treas)	Town of Cary
Kenny Stevens (Sec)	City of Kinston	Chuck Smithwick (V-Chair)	Contentnea MSD
Brian Leavitt	Town of Benson	William Beattie	Town of Apex
Benjamin Overton	City of Kinston	Reggie Hicks	City of Durham
Jimmy Pridgen	City of Wilson	Richard Hamilton	City of Goldsboro
Kathy Cooper	City of Raleigh	Robert Sherman	City of Goldsboro
Tony Hawkins	City of New Bern	David Suggs	CovationBio
Michael Ratley	Town of Apex	Don Johnson	Town of Cary
Dan Wall	Johnston County	Bill Simpson	Town of Clayton
Jeff Mahagan	Town of Hillsborough	Sarah Jordan	Town of Cary
Mark Vander Borgh	NC DWR	Steve Tedder	Black & Vetch
Dan McLawhorn	McLawhorn Law	Ilona Williams	Town of Clayton
Andrew Stevenson	Aqua, N.C.	Barrett Jenkins	Restoration Systems
Mark Oliveira	Environment I	Adam Stephenson	Town of Fuquay-Varina
Drake Robart	Town of Snow Hill	Bodhan Fediuk	Town of Snow Hill
Mike Graham (call in)	Duke Energy Progress	John Huisman	NC DWR
Haywood Phthisic	LNBA/NRCA	Joe Pearce	Aqua, N.C.

The Chair, John Kiviniemi, called the meeting to order and welcomed everyone. The roll was called and there were 15 of 19 members present representing the LNBA and 17 of 24 members present representing the NRCA. There was a quorum present for both associations. Guests were introduced and recognized.

**Board Minutes** – The Board Minutes from the November 2, 2022 meeting were presented. Being no revisions, Jimmy Pridgen made the motion to approve, seconded by Dan Wall, and approved by the Board.

**Financials – Treasurer’s Report** – Donald Smith presented the Treasurer's Report for the period of November 1, 2022 through January 31, 2023 to the Board. As of January 31<sup>st</sup>, the LNBA account balance is \$272,766.04 and NRCA account balance is \$341,578.11. Kenny Stevens made the motion to approve the report as presented, seconded by Jimmy Pridgen, and approved by the Boards, respectively.

*FY 2023-24 Budget and Membership Fees, Finance Committee Recommendation* – The Finance Committee (Jimmy Pridgen, Chuck Smithwick, Donald Smith, Lori Avent and assistance from Haywood Phthisic) presented the FY 2024 Budget and Membership Fees. The LNBA budget had an increase (2%) with the sampling contract renewal. The NRCA had an increase for the proposed NPDES permit fee increase. An amount of \$15,000 from fund balance (from each association) was programmed into each budget for improvements/updates to the website. The Committee recommended approval of the budget and membership fees. Bill Simpson made the motion to approve the budget/membership fees as presented, seconded by Dan Wall, and approved by the Board.

*Website Update* – Haywood continues discuss options for the software update due to the fact the software company will discontinue supporting the version of software (Drupal 7) the website currently operates. The software developer indicates the cost on the order of \$30,000 to rebuild the website.

**Legal Counsel Regulatory Update** – Dan McLawhorn, council to the associations, reported on a recent court filing the involved the Town of King. King was separating from the City of Winston-Salem. King filed a contested case with the Office of Administrative Hearings (OAH) against DWR's refusal to issue a permit. OAH ruled in December that the case could move forward after refusing DWR's position that King did not make application for a permit. Given the fact the legislature funded King was cause to rule against DWR as King was under a mandate to spend the funding or loss the funding. Dan noted there is an issue with the new discharge to High Rock Lake.

**Officer Nomination Committee Appointment** – The LNBA and NRCA will hold its annual meeting in may which is the time for elections. The Chair, John Kiviniemi, appointed Tony Hawkins, Bert Sherman, and Dan Wall to serve as the committee.

### **NRCA Updates –**

*Neuse River Watershed Model* – John Huisman with the Nonpoint Source Planning Branch of DWR, reported the Division has a modeler under contract and an internal meeting is scheduled next week. There will be a stakeholder meeting in March as it is planned now. John did note that the model will be a watershed model not a point source transport factor model.

*NRCA NPDES Permit Renewal* – Haywood reported the NRCA's permit will be update for renewal January 1, 2024 so working will beginning on that process after the first of the year, The permit application will be due for submittal July 1, 2023.

*Annual Nutrient Report* – Haywood reported the 2022 annual report prep has begun and will be circulated for member review. If you find any errors, please contact Haywood.

### **LNBA Updates –**

Work continues on the Lower Neuse River Monitoring Service Contract No. 6 with Environment I. All sampling was completed by Environment 1 in September and October with the exceptions listed below:

**November:** All samples were collected and analyzed per MOA requirements with the following exceptions:

- \*J4080000 (Poplar Creek at SR 2049 Bethlehem Road. Nr Knightdale); Stream level too low for sample collection; no sample collected.
- \*J4690000 (Middle Creek at SR 1152 Holly Springs Road nr Holly Springs): Unable to collect due to bridge construction; no sample collected.
- \*J4115000 (Mark's Creek at Neuse River Trail nr Archer lodge) replaced J4110000 (Mark's Creek at Pritchard Rd. near Archer Lodge) due to safety concerns.

Final results for November samples have been submitted.

**December:** All samples were collected and analyzed per MOA requirements with the following exception:

- \*J4080000 (Poplar Creek at SR 2049 Bethlehem Road. Nr Knightdale); Stream level too low for sample collection; no sample collected

Results for December samples are in final data review.

**January:** All samples were collected per MOA requirements with the following exception:

\*J4690000 (Middle Creek at SR 1152 Holly Springs Road nr Holly Springs): Unable to collect due to bridge construction; no sample collected. Analysis of these samples is ongoing.

All invoices have been processed and paid through December, 2022.

**Sampling Site J4115000, Replacement Site for Marks Creek on Pritchard Road** – With the assistance of DWR the sampling site was moved to a downstream location due to safety issues at the original site.

**Environment I** - Mark Oliveria with Environment I has been acquired by Waypoint Analytical and has accepted the contract in its current form.

The next meeting is scheduled for May 4, 2023 at 10:00 hosted by the Contentnea MSD. With no further business, the meeting was adjourned.

Approved