

Lower Neuse Basin Association®/Neuse River Compliance Association®
May 3, 2018 Meeting Minutes
Contentnea MSD, Grifton, N.C.

Attending:

Donald Smith	Town of Cary	Jimmy Pridgen	City of Wilson
Timothy Lawrence	MCAS – Cherry Point	Jeff White	Dow Dupont-Kinston
Barry Parks	City of Wilson	Emily Elmore	City of Kinston
Paul Allen	Town of Benson	Erica Bailey	City of Raleigh
John Cratch	Town of Apex	David Hardin	Town of Apex
John Kiviniem	City of Raleigh	Fred Dancy	SGWASA
Elliot Thomas	Craven County	Chuck Smithwick	Contentnea MSD
Dan Wall	Johnston County	Michael McAllister	Town of Kenly
Kenny Stevens, Jr.	City of Kinston	Bonnie Williamson	Town of Kenly
Glenn Dunn	Poyner & Spruill	Miles Galloway	The Wooten Company
Casey Oliver	Environment I	Mike Wagner	City of Goldsboro
David Huffman	DWR Water Science	Mark Vander Borgh	DWR Water Science
Mike Graham	Duke Energy Progress	Haywood Phthisic	LNBA/NRCA

The Chair, Dan McLawhorn, called the meeting to order and welcomed everyone. The roll was called and there were 12 of 18 members present representing the LNBA and 15 of 22 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 January 25, 2018 meeting were presented and approved by the Boards.

Proposed Rule Comments Update – Dan reported that the proposed rules for re-adoption will be on the Environmental Management Commission and Water Quality Committee in May. These include the Neuse Wastewater Rule, the new nutrient trading program, and public notice of the buffer rules.

The Neuse Wastewater Rule is under review for the purchase of non-point source credits. The current rule requires a facility to purchase nitrogen credits at a rate of 200% of the current rate (in its hydraulic unit code or HUC) for 30 years. The recommendation to the WQC is 100% of the current rate for 10 years at the time the permit is issued (by way of agreement with a bank or other).

The proposed nutrient offset credit trading program is being proposed for nutrient trading state wide and will be presented along with the proposed wastewater rule. In the proposed rule a different set of values are proposed for offset credit purchase (in addition to the proposed rule above).

The Proposed Buffer Rules as part of the Rules Review Process have been noticed and comments are due July 2nd. One item of concern is repair work in riparian buffers to maintain sewer lines will require purchase of mitigation credits (a change from the current rule).

Following discussion, authorization to allow the Executive Committee to prepare comments on the proposed trading rules was presented. Barry Parks made a motion to approve, seconded by Dan Wall, and approved by the Boards. Additionally, a motion was made by Mike Wagner to allow the Executive

Committee to submit comments on the Proposed Buffer Rules, seconded by Dan Wall, and approved by the Boards. The Boards discussed whether legislative action should be considered for the wastewater rule but no action was taken at this time.

Treasurer's Report - The Treasurer's Reports for February, March, and April, 2018 were presented by Donald Smith, Treasurer. As of April 25th, the LNBA account balances were \$135,165.72 and NRCA account balances are \$177,643.92. Barry Parks made a motion to approve the reports as presented, seconded by Chuck Smithwick, and approved by the Boards.

Haywood reported the contracts with Sauber Water Quality Consulting and MFG Consulting, LLC will expire June 30th but have a 1 year automatic renewal with agreement by both parties. Haywood recommended approval of the one year extension on both contracts with \$2,000 carry forward from current year (for both associations, total \$4,000) for Sauber Water Quality Consulting. Chuck Smithwick made a motion to approve, seconded by Barry parks and approved by the Boards.

Dan had to leave due to previous commitment so the Vice Chair Barry Parks took over as Chair for the remainder of the meeting

Executive Director Services Contract expires June 30, 2018 and the Finance Committee (Barry Parks, Donald Smith, and Chuck Smithwick) met via conference call with Haywood and discussed terms for renewing the contract. The Finance Committee recommends a renewal of the contract for three years with the hourly rate for the first year being \$65 and the remaining two years at \$70. The yearly limit for hours work is capped at 1,040 unless approved to exceed. Following discussion, Jeff White made a motion to approve the contract as presented and authorizing the Vice Chair to sign the contract, seconded by Kenny Stevens, and approved by the Boards.

LNBA Sampling Report – Work on the Lower Neuse River Monitoring Service Contract No. 5 with Environment 1 continues. All sampling was completed by Environment 1 in January, February, March and April, 2018. Data sets have been received through February, 2018 and loaded on the website. March sampling results are in final review. J5410000 (Mill Creek at Richardson Bridge Road) will return to service in May and site J5420000, temporary site, will be discontinued in May, 2018. All invoices through March, 2018 have been processed and paid. Sampling exceptions for each period are listed below:

January, 2018 –

J6500000 (Moccasin Creek at Antioch Church Road near Conner). No sample collected because the stream was frozen.

J6680000 (Turkey Creek at Claude Lewis Road near Middlesex). No sample collected because the stream was frozen.

Haywood reported the LNBA annual report has been completed and submitted to the Division as required. A graph was presented to the Board illustrating the annual average total nitrogen concentrations for each monitoring site. Haywood reported the average total nitrogen concentration is 1.23 mg/L (0.65 mg/L TKN and 0.58 mg/L nitrate-nitrite).

Revised 2018 303(d) Listing Methodology -

Haywood reported in March the EMC Water Quality Committee and the full EMC approved revisions to the

2018 303(d) listing methodology (assessment years 2012 – 2016). The old **2016 303(d) listing methodology** required a >10% exceedance frequency of a water quality standard with at least 90% statistical confidence. **The New 2018 303(d) Methods will make it harder to remove water bodies from an impairment status and make it easier to keep waterbodies listed as impaired. The new methodology is more complicated and more detailed.** The new method includes three different designations: Meeting Criteria, Inconclusive, and Impaired. An “Inconclusive” determination is NOT the same as meeting water quality standards in the new process.

Several 2018 303(d) Method Examples as may be applied to the Neuse Estuary:

- Water Assessment Units with 10 or more observations in the five year window (2012-2016) and have >10% of observations exceeding criteria but < 90% statistical confidence in exceeding criteria but with four observations (regardless of the number of samples) that exceed criteria in the period from 2015-2016 are now considered as exceeding the criteria and are considered “impaired”.
- Water bodies with 10 or more observations in the five year assessment window (2012-2016) and have >70% binomial statistical confidence attaining the standard are considered as meeting the criteria.

2018 NRCA Annual Report – Haywood reported the NRCA’s Annual Report for 2017 has been completed and submitted has required. The summary page of the report was presented and Haywood noted a significant drop in average daily flow. The average end of pipe concentration was one of the lowest achieved by the NRCA members.

Haywood reported there was an issue in reporting total nitrogen data (first occurrence in reporting history) and the Town of Kenly did not report nitrogen data in June and July of 2017. The Mayor, Bonnie Williamson and Mike McAllister were present from Kenly to report on this issue. Mike reported the ORC was terminated from employment in June and there were many equipment deficiencies in facility. Haywood reported that failing to report nitrogen data presents issues for the preparing the NRCA annual report. Haywood recommended that the by-laws be reviewed/revised to make such failure by a member grounds for action against the member failing to report permit requirements. Barry referred this to the by-law committee (James Warren, Mike McAllister, and Haywood) and report back to the Board.

Haywood presented a summary of the end of pipe total nitrogen annual discharge concentrations (2006 – 2017) and a summary of total nitrogen delivery to the Neuse River Estuary from 1995 to 2017.

Neuse River Flood Study – Haywood reported a flood study by the Dept. of Public Safety has been completed. A map from the study was passed out to the Board.

LNBA-NRCA Annual Training Workshop – Haywood reported the annual workshop is scheduled for July 24th in Raleigh and July 26th in Kinston. The workshop announcement will be emailed in early June. The NRCA is also presenting at the Water Environment Federation Nutrient Conference will be held in Raleigh in June.

The next meeting is scheduled for September 6, 2018 at 10:00 to be hosted by the City of Wilson, in Wilson, N. C. With no further business, the meeting was adjourned.