

Lower Neuse Basin Association®/Neuse River Compliance Association®
May 6, 2021 Meeting Minutes
Webinar Meeting (Virtual due to Covid-19)

Attending:

Dan McLawhorn	City of Raleigh	Jimmy Pridgen	City of Wilson
Barry Parks (V-Chair)	City of Wilson	Mike Graham	Duke Energy
Tony Hawkins	City of New Bern	David Hardin	Town of Apex
T. J. Lynch	Raleigh Water	Drake Robart	Town of Snow Hill
John Kiviniemi	Raleigh Water	Jonathan Bulla	Town of Cary
Adam Stevenson	Town of Fuquay-Varina	Kathy Cooper	City of Raleigh
Mike Wagner	City of Goldsboro	James Warren	Town of Clayton
Donald Smith (Treas.)	Town of Cary	Reginald Hicks	City of Durham
Mike Templeton	DWR Permitting	Steve Tedder	Tedder Farm Consulting
Chuck Smithwick	Contentnea MSD	Francis Oggeri	DWR Planning
Mark Vander Borgh	DWR Ecosystem	Nora Deamer	DWR Planning
Jarrold Buchanan	Town of Cary	William Simpson	Town of Clayton
Martin Lebo	CEA	Timothy Lawrence	MCAS – Cherry Point
Haywood Phthisic	LNBA/NRCA	Dr. Bob Rubin	

The Chair, Dan McLawhorn, called the meeting to order and welcomed everyone. The roll was called and there were 10 of 18 members present representing the LNBA and 12 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 February 4, 2021 meeting were presented. Being no revisions, the minutes were approved as submitted.

Officer Selection Committee Report and Elections – Dan asked for the Committee’s recommendation for Officers for the next 2 years. T. J. reported several officers would not return to serve and the Committee’s recommendation (motion) for Chair is Barry Parks; Vice Chair is John Kiviniemi; Secretary is Chuck Smithwick; and Treasurer is Donald Smith. James Warren seconded the motion. Dan asked if there were any nominees for these positions from the floor. Being none, Dan asked for a roll call vote and all present voted for the recommended officers.

Financials – Treasurer’s Report - The Treasurer’s Reports, February, March, and April 2021 were presented to the Board. As of May 1st, the LNBA account balance was \$199,406.86 and NRCA account balance was \$268,022.11. T. J. Lynch made the motion to approve the reports as presented, seconded by David Hardin, and approved by the Boards, respectively.

FY 2020–21 Year to Date Expenditure Summary – Haywood presented the year-to-date expenditures for the current fiscal. LNBA expenditures are at 68% of the budgeted funds and NRCA expenditures are at 38% of the budgeted funds.

Executive Director Service Agreement Renewal – The Finance Committee (Barry Parks, Chuck Smithwick, Donald Smith) met with Haywood (Phthisic Consulting Inc.) on April 23, 2021 to discuss the renewal of the Executive Director Service Agreement. The Committee recommended (motion) renewal of the agreement

with the following terms: Hourly rate will be \$70 per hour until June 30, 2022; beginning July 1, 2022 the hour rate will increase to \$75 per hour for the remainder of the agreement; annual cap of 1,040 hours in the agreement; and the term will be for 3 years. Following discussion, Reggie Hicks seconded the Committee's motion, and approved by the Board.

Recommended Approval of Sauber Water Quality Agreement and MFG Consulting LLC Agreement – Haywood presented 2 agreements for the Boards consideration of services. There are separate agreements for both LNBA and the NRCA for both providers. Each agreement is for 2 years with a \$2,000 cap on the MFG agreement and \$3,500 cap on the Sauber agreement. Following discussion, David Hardin made the motion to approve the agreements as presented, seconded by Tony Hawkins, and approved by the Boards.

NRCA Annual Report – Haywood presented the 2020 Annual Report as submitted to the Division. The performance of the membership combined was outstanding with an annual average end of pipe concentration of 2.29 mg/L. Haywood also presented an end of pipe annual concentration summary beginning in 2006 thru 2020 with each members annual concentration (by year). The outstanding facility performance by the members was noted. A graph illustrating the total nitrogen delivery to the Neuse Estuary was updated thru 2019 for the Board's review. The final document presented to the Board was a summary of end of pipe annual total phosphorous concentration from 2010 thru 2020.

NRCA Member TN Violation and Assessment for 2020 – Craven County leased nitrogen for 2020 but, due to sample with a high total nitrogen value in October, exceeded the amount leased. The amount of total nitrogen exceeded was 984 pounds which results in an assessment of \$3,554.70 ($\$14.45 \times 25\% \times 984$ lbs.). Following discussion, T. J. Lynch made the motion to issue the assessment as required in the bylaws, seconded by Barry Parks, and approved by the Board.

Snow Hills' Request to Join the LNBA and NRCA – Haywood reported he had been contacted by Drake Robart with Snow Hill requesting information to join the associations. The Division has been notified of the request (both the coalition program and permitting). Snow Hill has a nitrogen allocation of 5,632 lbs. (EOP) and permit to discharge 0.5 MGD. In 2018 they discharged 3,651 lbs., 2019, 2,519 lbs., and discharged 2,489 lbs. of total nitrogen in 2020. Haywood noted he is gathering additional information, will schedule a site visit, and report back to the Board with a recommendation at the September meeting.

LNBA Sampling Report - Work continues on the Lower Neuse River Monitoring Service Contract No. 5 with Environment I. All sampling was completed by Environment 1 in February, March, and April, 2021. Data sets have been received through February, 2021 and loaded on the website. December sampling results are in data review. All invoices through March, 2021 have been processed and paid.

February: All samples were collected, analyzed and reported per MOA requirements with the following exceptions:

02/22/21: J5410000 (Mill Creek at SR1200 nr Cox Mill); unable to access due to road flooding. No sample collected.
02/22/21: J5500000 (Falling Creek at SR1219 Old Grantham Rd nr Grantham); unable to access due to road flooding. No sample collected.

March: All samples were collected per MOA requirements. The results for samples collected in March are in data review and will be distributed in May.

April: All samples were collected per MOA requirements. Analysis of samples collected in April is ongoing.

Draft 303(d) Report and Integrated Report – The draft 303(d) list and integrated report was released for public comment and comments were reviewed by the Executive Committee and submitted to DWR. The comments are posted on the “Meetings” page in Other Files:

[Comments on the Draft 2020 303\(d\) List & Integrated Report](#)

LNBA/NRCA Training Program Update – Haywood reported discussions are ongoing with NC AWWA WEA to assist the associations in a virtual training workshop. The program is being completed with instructors scheduled and NC AWWA is ready to assist the Associations to present the virtual workshop conforming to the Certification Branch’s requirements for CEU credit. Haywood reported the cost will be within the budgeted amount as face to face and asked for Board for authorization to execute the agreement with NC AWWA WEA. Following discussion, James Warren made the motion to approve as requested, seconded by T. J., and approved by the Boards.

Distributed Management of Stormwater Solids for Nutrient Reduction – Dr. Bob Rubin, Professor Emeritus, NCSU BAE presented information on a nutrient reduction strategy that employs the use of basin inserts (known as Trash Guard) to remove debris that contains nutrients. By using these devices nutrients credits could be earned. To view the presentation, click on this link: [Managing Stormwater Facilities for Nutrient Credits](#)

Legislative Update – Dan noted that SB 452 may be of interest as in its present forum may have an effect of the public sector regarding payment of utility bills through the pandemic period. HB 831 is another bill of concern and is related to annexation and utility accounts.

The next meeting is scheduled for September 2, 2021 at 10:00. With no further business, the meeting was adjourned.