*UNRBA mission: To preserve and protect the water quality in the Upper Neuse River Basin through innovative, cost effective, and environmentally sound strategies and to create a coalition of local governments and stakeholders in a water resources partnership.*

**The next UNRBA Board meeting will take place Wednesday,
December 14, 2011 at the new Butner Town Hall at 9:30 AM**
(changed from Nov. 16, 2011 at Triangle J Council of Governments).

The Board of Directors of the Upper Neuse River Basin Association (UNRBA) held its second meeting of FY12 at 9:30 A.M. on Wednesday, September 21, 2011 at Triangle J Council of Governments in Research Triangle Park, NC.

Meeting attendees are listed below (\* denotes member representative to the Board).

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| **Name** | **Affiliation** |
| Thomas Marrow\* | Town of Butner  |
|  | City of Creedmoor |
| Cora Cole-McFadden (Treasurer)\* | City of Durham |
| Drew Cummings\* | Durham County |
|  | Franklin County |
|  | Granville County |
| Margaret Hauth\* | Town of Hillsborough |
| Pam Hemminger (Chair)\* | Orange County |
| Jimmy Clayton (Vice-Chair)\* | Person County |
| Lindsay Mize\* | South Granville Water and Sewer Authority |
| Kenneth Waldroup\* | City of Raleigh |
|  | Upper Neuse Soil & Water Conservation Districts |
| Ellen Wilkins\* | Town of Stem |
|  | Wake County  |
|  | Town of Wake Forest |
| Don O’Toole | City of Durham Attorney’s Office |
| Reginald Hicks | City of Durham Water Management Department |
| Michelle Woolfolk | City of Durham Stormwater Services |
| Randy Cahoon | City of Creedmoor Planning Department |
| Tom Davis | Orange County Environment & Resource Conservation |
| Paula Murphy | Person County Planning Department |
| Harold Kelly | Person County Environmental Health Department |
| Dan McLawhorn | City of Raleigh Attorney’s Office |
| Haywood Phthisic | Lower Neuse Basin Association/Neuse River Compliance Association |
| Britt Stoddard | Wake County Environmental Services |
| Jim Wrenn | Attorney, various Upper Basin UNRBA members |
| Kathy Stecker | NC Division of Water Quality, Modeling & TMDL Unit |
| John Huisman  | NC Division of Water Quality, Nonpoint Source Planning Unit |
| Tom Jones | Guest, formerly Clean Water Management Trust Fund |
| Peter Raabe | American Rivers*Continued* |
| Erin Wynia | NC League of Municipalities, Governmental Affairs |
| Daniel Amburn | NC League of Municipalities, Governmental Affairs |
| Heather Saunders Benson | Triangle J Council of Governments, Water Resources Dept. |
| Mike Schlegel  | Triangle J Council of Governments, Water Resources Program, serving as Board Liaison |
| Sarah Bruce (Secretary) | Triangle J Council of Governments, Water Resources Program, serving as UNRBA Coordinator |

# Welcome, Announcements, and Agenda

Chair Pam Hemminger called the meeting to order, welcomed the group, and asked attendees to introduce themselves and share anything relevant to the Upper Neuse.

* Mr. Waldroup: the City of Raleigh is seeking FERC licensing for small-scale hydropower generation at the Falls Lake dam.
* Britt Stoddard: Wake County is initiating a study of health impacts associated with malfunctioning onsite wastewater treatment systems.
* Ms. Hauth said that Hillsborough is moving forward with a new wastewater treatment plant.
* Tom Davis: Orange County is conducting two buffer projects.
* Michelle Woolfolk: the City of Durham’s RainCatchers project is going before the CWMTF Board next month. Also, the City of Durham is working through an EPA audit-by-mail of it stormwater and wastewater programs.
* Mr. Mize: SGWASA is expanding their WWTP to meet Stage I of the Falls Rule, studying its effluent filters, and moving forward with design parameters.
* Mr. Clayton: Person County approved participation in a stormwater utility.
* Mike Schlegel: TJCOG provided information on its support services to the UNRBA to the Policy & Advisory Group as requested. A copy of the packet of information was provided to the Board.
* John Huisman: He is reviewing Falls’ local government stormwater programs for new development.

# Adoption of Summary to Aug. 4 Board meeting

Mr. Mize moved to pass the meeting summary. Ms. Wilkins seconded the motion, which passed unanimously.

# Legislative Update

Erin Wynia with the NC League of Municipalities Governmental Affairs program gave an update on regulatory issues:

* State stormwater permit renewals: The first 5-year period is up for 88 Phase II communities in NC, and NCLM has been negotiating language with DWQ for the new permits. Good progress has been made, however EPA approval remains a challenge. Phase I communities will be applying for their stormwater permits at the end of this year so this will affect them also. Erin cited this as a success story in terms of involvement of the stormwater community in the state.
* Total Maximum Daily Loads (TMDLs): TMDLs can be problematic when stormwater runoff is involved (e.g., Little Alamance Creek, in the Jordan Watershed, is similar to Ellerbe and has a TMDL for impervious cover). NCLM is forming a workgroup to explore how to tackle this issue.

Mr. Waldroup noted a recent increase in Region IV activity in the form of site visits, some enforcement activities taken by DWQ are being followed up by EPA, and a paper audit of stormwater programs and collection systems and suggested members share information on EPA activities with NCLM staff.

Daniel Amburn with the NC League of Municipalities Governmental Affairs program gave a legislative update:

* The state legislature will not have a hard finish date as in past years; this session has ended twice; it may continue again in November to consider a variety of issues. There are blank bills within House Rules, bills that are a counterpoint to the Senate, and possible study bills may be passed. Water allocation is one potential item for study, but it is not currently on the list of items under consideration for study.
* The League is beginning work on the fracking issue and discussing House & Senate Energy Independence & Alternative Fuels Committee and is chaired by Rep. Hager. Fracking uses a lot of water and many unknown chemicals and could cause groundwater contamination. The Committee is seeking input from numerous entities but is only two votes short of a veto override to give fracking a go-ahead. NCLM is beginning its policy development procedure by identifying and contacting jurisdictions in the Triassic Basin and some downstream for input via their Policy Committee which will communicate to the fracking Committee Chair, Rep. Hager. Several presenters will be coming to NCLM. A top priority for NCLM is preserving local authority; there are no rules right now. Sarah offered to share a map of Triassic geology in the Upper Neuse.

Michelle Woolfolk suggested that NCLM contact Cy Stober (Piedmont COG) since the Upper Cape Fear also includes a lot of Triassic geology. Dan McLawhorn added that there is more immediate threat of drilling in the Jordan watershed and that this issue may be a good opportunity to work together.

Several participants expressed gratitude for the League’s valuable work and involvement on these issues.

# Update on The Path Forward Project

Chair Hemminger asked participants in the review process to identify themselves (many jurisdictions were represented in that process). The RFP & Relook Subcommittee made a recommendation to the Policy & Advisory Group at the PAG’s September 8 meeting.

Michelle Woolfolk gave a brief summary of the RFP and its review process. The RFP was issued on July 11, a conference call was held with prospective submitters, and review of written proposals was conducted. Two firms (Tetra Tech and Cardno Entrix) were selected to present on August 30 and interviews were scored also. The RFP & Relook Subcommittee voted to recommend Cardno Entrix to the Board based on those two processes. Michelle presented a memorandum to the Board on the process and the outcome and answered questions from the Board, and attendees discussed the recommendation. Mr. Waldroup emphasized that all the teams were strong, but that Cardno Entrix had formed a panel of highly qualified outside experts to advise the project. The primary Cardno Entrix staff proposed to lead the project are located in Raleigh.

The Board discussed payments, since Cardno Entrix’s cost proposal exceeded the funds available this year. If the higher level of dues is continued, UNRBA can split the cost between two fiscal years. In addition, the UNRBA has a rainy day fund of approximately $112,000.

Jim Wrenn presented the recommendation of the Policy & Advisory Group to the Board: to select Cardno Entrix to conduct the Support of Long-Term Planning and Regulatory Nutrient Management Activities in the Falls Lake Watershed project.

**Mr. Mize moved to approve the recommendation and select Cardno Entrix to conduct the project. Ms. Wilkins seconded the motion.** Chair Hemminger conducted a role call vote: each Director present voted in the affirmative and **the motion passed** (Franklin County, Granville County, and Wake Forest were not represented at the meeting by a Director or Alternate). Britt Stoddard indicated support for the decision on behalf of Wake County.

**The Policy & Advisory Group (PAG) also recommended that a subcommittee be formed to work on contract negotiations to include lawyers, technical staff, and any other members involved. Ms. Cole-McFadden moved to form the committee and Mr. Waldroup seconded the motion.** The Board discussed having this be a subcommittee of the PAG versus a Committee reporting directly to the Board. Both Ms. Cole-McFadden and Mr. Waldroup supported an amendment to the motion to specify the contracting committee would report directly to the Board. **Chair Hemminger called the vote, which passed unanimously.**

Several participants volunteered to participate on the Contracting subcommittee: Kenny Waldroup, Don O’Toole, Michelle Woolfolk, Jim Wrenn, Dan McLawhorn, Lindsay Mize, and Britt Stoddard. Mike and Sarah agreed to provide staff support to the committee. Don O’Toole volunteered to chair; Dan McLawhorn volunteered to assist Don as vice-chair. Chair Hemminger agreed to sign a letter drafted by the committee chairs notifying Cardno Entrix of this arrangement.

Sarah said that the Offerors had been soliciting feedback. **Mr. Mize moved to have Sarah share each firm’s anonymous rating compilation document with the staff who submitted it. Mr. Waldroup seconded the motion, which passed unanimously.**

The next Policy and Advisory Group recommendation was to create a subcommittee to work directly with the consultant and report directly to the full board. **Mr. Waldroup moved to accept the recommendation to create a subcommittee to interface with the consultant. Mr. Mize seconded the motion.** Kenneth Waldroup, Britt Stoddard, Michelle Woolfolk, Jim Wrenn, Lindsay Mize, Tom Davis, Dan McLawhorn, and Reggie Hicks volunteered to be on the committee. The group discussed various mechanisms for this committee interfacing with the consultant and the larger UNRBA.

The Board discussed criteria for voting and decision making (e.g., cost thresholds for higher-level approval). The general decision was for each committee to come up with its own and present this process for Board approval and/or have a joint session to hash out differences and how to coordinate with the consultant.

Michelle requested a clearer charge for the second [Path Forward Management] committee. Jim Wrenn clarified that the PAG recommendation was for committee to be a liaison to the consultant. Chair Hemminger suggested that this committee would work out also figure out HOW the UNRBA would interface with the consultant over the life of the project. Discussion clarified that this committee is also not under the PAG [it reports directly to the Board.]

Michelle Woolfolk volunteered to chair the Path Forward Management committee, and Kenny Waldroup volunteered to support her as vice-chair.

# TJCOG Programmatic Support of UNRBA

Chair Hemminger then asked TJCOG staff to leave the room and volunteered to keep a summary of the rest of the meeting. Mike Schlegel requested permission to quietly observe from the back of the room for the remainder of the meeting, and the Board agreed.

There was discussion about the changes that had occurred at the last two meetings with the Nicholas Institute presentation and staff changes. There were some members that stressed the need to move forward at a faster pace and others who just wanted to know if UNRBA was on the right path. It was decided that UNRBA should find out if there were other options for leadership.

The UNRBA voted 10-0 to proceed with forming a Personnel subcommittee to explore those options. The committee was open for volunteers from board members and a representative from Wake County even though they are not current with their dues. The committee is to be chaired by Lindsay Mize and co-chaired by Rick Flowe. Other members are: Cora Cole-McFadden, Drew Cummings, Dan McLawhorn, Don O-Toole, Jim Wren, Randy Cahoon, Britt Stoddard and Pam Hemminger.

This Personnel subcommittee will

* work on characteristics desired of UNRBA leadership, produce an RFQ, and discern what individuals or groups might be out there that could help UNRBA accomplish its goals.
* list the responsibilities with the hopes to keep the expenditures in line with what we are already paying Triangle J.
* place the RFQ and collect responses.
* narrow the list of candidates and present a short list to the entire UNRBA board by the December 14th meeting.

Different definitions of lobbying were discussed; lobbying under the state definition does include high-level regulators as well as legislators. No decision was reached on lobbying efforts.

It was hoped that Triangle J would respond to the RFQ. Due to the possible conflict of interests of TJCOG being considered with all other applicants, it was decided to hold the December meeting at the new Butner facility starting at 9:30am. The UNRBA decided that it would wait for a full discussion at this December meeting before making any decisions about possible changes of leadership or staff support.

# Housekeeping

The Board decided to move its November 16 meeting at TJCOG to December 14 at the Butner Town Hall. The Dec. 14 meeting will begin at 9:30 a.m.