

UNRBA Board of Directors January 19, 2011 Meeting Summary

Summary prepared Jan. 21, 2011 · Meeting Location: Durham Water Management Training Room

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 be 10 a.m., Wednesday, February 16, 2011 at a location to be announced.

The Board of Directors of the Upper Neuse River Basin Association (UNRBA) held its third meeting of FY11 at 10:00 A.M. on Wednesday, January 19, 2011 at the Durham Water Management Training Room at Mist Lake Drive.

Meeting attendees are listed below (* denotes UNRBA Director or Alternate Director).

Name	Affiliation
Bill McKellar*	Town of Butner
Rick Flowe*	City of Creedmoor
Reginald Hicks*	City of Durham
	Durham County
	Franklin County
Barry Baker*	Granville County
Mike Gering*	Town of Hillsborough
Pam Hemminger*	Orange County
	Person County
Lindsay Mize*	South Granville Water and Sewer Authority
Kenneth Waldroup*	City of Raleigh
	Upper Neuse Soil & Water Conservation Districts
	Town of Stem
	Town of Wake Forest
	Wake County
Michelle Woolfolk	City of Durham Stormwater Services
Chris Roberts	Durham County Engineering
Tom Gerow	NC Division of Forest Resources
Tom Davis	Orange County Environment & Resource Conservation Dept
Mike Ciriello	Kerr-Tar Council of Governments
Dan McLawhorn	City of Raleigh Attorney's Office
Haywood Phthistic	Lower Neuse Basin Assn/Neuse River Compliance Assn
Britt Stoddard	Wake County Environmental Services
Jim Wrenn	Attorney, various Upper Basin UNRBA members
Sarah Bruce (clerk)	Upper Neuse River Basin Association

Introductions, Welcome, and Agenda

Chair Pam Hemminger called the meeting to order. Participants introduced themselves and gave their affiliation.

Sarah Bruce went over the agenda:

- Housekeeping, Updates & Announcements
- UNRBA Officer Elections (*Decision Item)
- Ellerbe Creek Retrofitting Project: Partnering with Durham (*Decision Item)
- Report from DWQ on Falls Rules: EMC and RRC Comments
- Upper Neuse Water Quality Monitoring Update
- Working Group Report: Implementing HB 1765/SL 2010-155
- FY12 UNRBA Dues

Housekeeping, Updates & Announcements

Sarah announced that the Board had scheduled an additional meeting to be held on February 16 and that the location would be announced.

Other updates/announcements:

- The Falls Nutrient Strategy Rules were adopted by the NC Environmental Management Commission on Nov. 18 and went effective as temporary rules. The permanent rules received no objections in the Rules Review Commission review and went effective January 15, 2011.
- Sarah announced that UNRBA and DWQ would hold a joint session on the DWQ Falls Lake Model Program for New Development on January 27, 1 pm to 4 pm, at the Raleigh-Durham Airport Authority (1000 Trade Dr., Morrisville NC). DWQ is seeking input from affected local governments on the model program.
- The Greater Triangle Stewardship Development Awards program (UNRBA partnership with NCSU Bio & Ag Engineering, Homebuilders, Triangle Land Conservancy, and others) to recognize land developments that better protect natural resources convened a distinguished panel of judges to evaluate the 4 applications received in the inaugural awards cycle. The next step is to notify the applicants of the judges' decisions. The City of Raleigh's Environmental Stewardship Awards program has offered to let the GTSDA program participate in their awards banquet, which provides the GTSDA a valuable opportunity to economize and partner with an established program.
- Tom Gerow, Water Quality Forester with the NC Division of Forest Resources, stated that DFR was conducting some 319-funded monitoring of forested watersheds and evaluating the effectiveness of riparian buffer best management practices for timber harvesting. Tom offered to present the data and conduct a field trip. The project has 2 years of baseline data, harvesting data, and 2 years' post-project monitoring.
- Sarah provided the Board a handout with financial information as of the end of December 2010. The report shows that the UNRBA is expending FY11 dues in accordance with the Board-approved budget.
- Dan McLawhorn announced that DWQ was in the process of updating the Phase II permits for Municipal Separate Stormwater Systems ("MS4s") and that it remained unclear how the permit would incorporate requirements of other regulations (e.g., the Falls Lake Nutrient Strategy rules).

One provision proposed requires affirmative actions to address impaired streams, not only those for which Total Maximum Daily Loads (TMDLs) have been developed. Also of concern to the City of Raleigh is the provision requiring stormwater permit holders to fine those responsible for illicit discharges (which could include overflows from sewage collection systems operated by municipalities). Sarah said she would forward a link to the draft permit once DWQ made it available.

UNRBA Officer Elections (*Decision Item)

UNRBA bylaws now require us to elect officers at the first meeting of the calendar year. Present officers were willing to continue in their offices. **Mr. Mize moved, seconded by Mr. Waldroup, to continue the 2010 slate into 2011:** Chair: Pam Hemminger, Vice-Chair: Jimmy Clayton, and Secretary-Treasurer: Cora Cole-McFadden. The motion passed unanimously.

Ellerbe Creek Retrofitting Project: Partnering with Durham (*Decision Item)

The City of Durham is focusing on portions of Ellerbe Creek to target the watershed's water quality problems in a number of ways. The City is now seeking funding from the Clean Water Management Trust fund to retrofit residential parcels with rain gardens, cisterns, & tree plantings, and to replace lawns and disconnect downspouts, based on a similar program in Washington, DC. NCSU and the City will work together to quantify the effectiveness of these practices. The project focus area was selected partially because the creek already has a downstream monitoring station. The City will not

The City has proposed to pay UNRBA to handle the design and installation subcontracts to help give us experience in this type of work, because we can do so more efficiently, and because we can help this type of project take place in other places. The City would pay UNRBA for its work on this project out of its own match, not out of the grant, which allows UNRBA to recoup our full costs to participate in the project.

Mr. Flowe submitted a motion, seconded by Mr. McKellar, which after discussion and amendment was unanimously adopted as follows: **UNRBA shall go forward with partnering with the City of Durham to assist on this project [regardless of ultimate funding source] including modification of the [UNRBA] Executive Director's ability to sign contracts in excess of \$1000 and to support that with appropriate legal review of [relevant project] documents to protect the UNRBA.** Legal review could be conducted by UNRBA member legal staff (waiving conflict of interest) or by retained legal advice. Dan McLawhorn suggested that the UNRBA ask the City Attorney's office what potential exposure UNRBA might have to liability and to possibly to seek a "hold harmless" agreement with the City. Michelle Woolfolk expressed appreciation for the Board's support.

Report from DWQ on Falls Rules: EMC and RRC Comments

John Huisman with the Division of Water Quality's Nonpoint Source Unit gave an overview of the Falls Lake Nutrient Strategy rules and rulemaking with commentary about changes resulting from the Environmental Management Commission and Rules Review Commission revisions. [John's presentation is available on the UNRBA website along with materials for the Jan. 19, 2011 Board meeting and is not included in detail in this summary.]

John gave a very brief overview of the process, including the modeling technical advisory committee, the stakeholder process, the fiscal note, and the general public input process. John explained that strategies differed for watersheds depending on whether they drained to the Upper portion of Falls

Lake or the Lower portion. A critical part of the strategy and point of discussion was the evaluation of Stage I (10 years from effective date) before commencement of Stage II (2025). DWQ is charged with reporting to the EMC every 5 years and revisions to the rules may take place at those intervals. Mr. Waldroup added that the rules explicitly do not preclude additional regulatory approaches, such as a use attainability analysis or site-specific standard. Dan McLawhorn added that DWQ is considering rule revisions that would consolidate the prior buffer rules, and that local governments considering ordinance revisions should be aware of coming changes to the Neuse [and Tar-Pamlico] buffer rules.

Once the model program is approved by the EMC, local governments have 5 months to submit a program to DWQ for approval (due Aug. 15, 2011). DWQ will make recommendations to the EMC by January 15, 2012, and the approved program must be in place (adopted locally) by July 15, 2012.

Upper Neuse Water Quality Monitoring Update

Sarah Bruce provided the Board a handout and gave a brief overview of the Upper Neuse Watershed Management Plan strategy's recommendation sheet about implementing a water quality monitoring program. The process laid out by members of the TAC in 2006 parallels the process being followed by TJCOG to develop an Upper Neuse monitoring plan and anticipated the need to evaluate and watershed management strategies over time.

To date, TJCOG has conducted three meetings and is compiling the results of the survey of existing monitoring efforts. A project wiki is available for anyone who would like more information about the project: <http://upperneusewqmonitorng.wikispaces.com/>. Local governments would like to begin collecting ambient monitoring data in the fall of 2012.

Working Group Report: Implementing HB 1765/SL 2010-155

Chair Pam Hemminger gave some background on the process for implementing the legislation authorizing a watershed association in the Falls Lake watershed ([SL 2010-155](#)) and requested that the Board to ask questions at the present meeting, take information home and consider it with local stakeholders, and be prepared to vote on the new draft bylaws at the next Board meeting (Sarah agreed to provide a PDF from Jim Wrenn for local use).

Jim Wrenn said that it had become apparent during meetings of the Working Group that due to the history of the UNRBA and local budget issues that UNRBA should remain the primary vehicle for the association. Jim, with the help of the Working Group, had drafted updated bylaws for the UNRBA to comply with SL 2010-155. Jim said that the Working Group also recommended that a 501(c)(4) be created, but not yet funded, in anticipation of potential future needs for substantial lobbying and to work in conjunction with UNRBA.

The group was asked to review the bylaws in detail on their own and with other local stakeholders. Chair Hemminger and other participants mentioned a few points on which the Working Group had more discussion: decision rules, ex officio members, membership criteria, special assessments & withdrawal provisions, and dues structure (identical to current UNRBA dues calculations).

There are three aspects of this issue for Upper Neuse local governments to consider on:

- 1) New UNRBA bylaws
- 2) Creation of a 501(c)(4)
- 3) Potential dues increases

It was left to individual participants to determine how best to stage and conduct this discussion locally.

A subset of the Working Group (Mr. Waldroup, Mr. Mize, Michelle Woolfolk, and Sarah Bruce) drafted and shared a document describing future tasks necessitated by the Falls rules, including a set of recommendations for the Association to build on the bylaws, being referred to as the Path Forward document. Chair Hemminger solicited the group's input on this Path Forward document; the group agreed that Sarah would compile and incorporate input into a revised draft. [Sarah has sent a draft of this Path Forward document to Working Group participants and Board meeting attendees and requested input by Feb. 4.] This document is envisioned as an important accompaniment to dues calculations for FY12, which may be higher.

The group also discussed the state budget and whether DWQ's Falls Lake monitoring program was at risk. Haywood Phthistic said that the LNBA had gradually had to pick up monitoring responsibilities from the state. Local governments have an interest in ensuring that state water quality monitoring is maintained. Chair Hemminger asked Dan McLawhorn to draft a sample resolution for local governments and the UNRBA to consider (after we adopt our new bylaws). Mr. Waldroup said that the NC Ecosystem Enhancement Program was also at risk.

FY12 UNRBA Dues

UNRBA's FY12 dues have not yet been approved for local budgeting purposes. Dues will be discussed at the February 16 Board meeting and should be approved ASAP so members can include UNRBA dues in their local FY12 budgets.