

## UNRBA Board of Directors March 16, 2011 Meeting Summary

Summary prepared March 31, 2011

*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, May 18, 2011 at Triangle J Council of Governments.**

The Board of Directors of the Upper Neuse River Basin Association (UNRBA) held its fifth meeting of FY11 at 10:00 A.M. on Wednesday, March 16, 2011 at Triangle J Council of Governments in Research Triangle Park, NC.

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

Name	Affiliation
Bill McKellar*	Town of Butner
Jimmy Minor*	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
Jimmy Clayton*	Person County
Lindsay Mize*	South Granville Water and Sewer Authority
Kenneth Waldroup*	City of Raleigh
	Upper Neuse Soil & Water Conservation Districts
	Town of Stem
	Wake County
Margaret Stinnett*	Town of Wake Forest
Rick Flowe	City of Creedmoor Planning Department
Randy Cahoon	City of Creedmoor Planning Department
Harold Kelly	Person County Environmental Health
Don O'Toole	City of Durham Attorney's Office
Tom Davis	Orange County Environment & Resource Conservation
Scott Miles	Town of Wake Forest Planning
Mike Schlegel	Triangle J Council of Governments, Water Resources
Kirby Bowers	Triangle J Council of Governments
Heather Saunders	Triangle J Council of Governments, Water Resources
Michelle Woolfolk	City of Durham Stormwater Services
Dan McLawhorn	City of Raleigh Attorney's Office
Haywood Phthisic	Lower Neuse Basin Assn/Neuse River Compliance Assn
Britt Stoddard	Wake County Environmental Services
Tommy Esqueda	Wake County Environmental Services
Kurt Smith	Wake County Environmental Services
Jim Wrenn	Attorney, various Upper Basin UNRBA members
Jay Sauber	NC Division of Water Quality
Rich Gannon	NC Division of Water Quality
Sarah Bruce (secretary)	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
- Confirming UNRBA Officers under New By-laws (\*decision item)
- Upper Neuse Water Quality Monitoring
  - o Short term
  - o Long term
- UNRBA Working Group Update
- Local Discussions on UNRBA Budget/Dues
- UNRBA FY12 Dues

## **Housekeeping, Updates & Announcements**

Chair Hemminger announced that the next UNRBA Board of Directors' meeting will be held on May 18, 2011, at TJCOG at 10 am. Sarah said that the agenda would include a presentation from John Huisman with DWQ on the Falls Lake New Development Rule and the Fy12 work plan. Michelle Woolfolk said that reviewing the draft RFP would be an appropriate agenda item.

Sarah announced that the Greater Triangle Stewardship Development Awards ceremony would be held in conjunction with the Raleigh Environmental Awards and that meeting materials included an invitation to the free event (April 21, 6 pm at Marbles Kids Museum in Raleigh).

Sarah said that the draft contract for administrative support with TJCOG was not ready for Board review and that she hoped to be bringing it before the Board in May.

Legal representatives gave an update on local discussions about creation of a 501(c)(4). Discussions are ongoing.

## **Confirming UNRBA Officers under New By-laws (\*decision item)**

Sarah said that adopting new bylaws structure necessitated an update to officers and called the Board's attention to the bylaws in their meeting handouts.

Jim Wrenn said it would be best to name the Executive Director and duties in May [concurrently with consideration of the TJCOG contract for administrative support].

Mr. Gering moved to affirm the proposed slate of officers (Pam Hemminger, Chair; Jimmy Clayton, Vice-Chair; and Cora Cole-McFadden, Treasurer and Sarah as secretary). Mr. Waldroup seconded the motion, which passed unanimously.

## **State Current Water Quality Monitoring**

Jay Sauber, Division of Water Quality, Environmental Sciences Section

Jay Sauber with the Division of Water Quality attended and gave a very brief summary of DWQ's current monitoring regarding Falls Lake.

Mr. Sauber first discussed the Falls Lake rules and stages for lake compliance that they establish. Stage I is designed to get the Lower Lake to meet the chlorophyll-*a* standard of 40 ug/L by 2021, and Stage II is designed to bring the entire lake into compliance for chlorophyll-*a* by 2041. This is estimated to require a reduction of 40 and 77 percent in average annual mass loads of nitrogen and phosphorus respectively from sources in the Upper Falls Watershed from a baseline of 2006.

Mr. Sauber said that the water quality monitoring to arrive at those target reductions was conducted 2005-2007, twice per month at 6 locations:

- Eno River at 501
- Ellerbe Creek
- Little River at Orange Factory
- Flat
- Knap of Reeds
- Neuse below the dam

DWQ had planned to continue sampling at these sites on a monthly basis under its ambient water quality monitoring program, but due to budget and staff constraints, these sites are now being sampled quarterly.

The study plan for monitoring of Falls Lake went into effect in May 2010 and these sites are monitored as scheduled.

In addition to monitoring done by the Environmental Sciences Section of DWQ, a lot of monitoring is conducted by coalitions. Statewide, 300 ambient sites are monitored by the state regularly, and an additional 260 ambient locations are monitored through coalition efforts (Mr. Sauber provided a copy of Neuse ambient monitoring locations – available online). Most data are available online; data from coalitions are available on request.

Dan McLawhorn said that the LNBA/NRCA had passed a resolution and sent a letter to the General Assembly delegation suggested the Board consider sending a similar letter to our senators and representatives supporting the state's ambient water quality monitoring efforts.

Mr. Waldroup moved that the UNRBA draft and send language to the General Assembly that monitoring programs be supported. Mr. Mize seconded the motion, which passed unanimously.

Mike Schlegel asked Mr. Sauber to confirm that the tributary monitoring now being done quarterly was NOT part of the DWQ ambient water quality monitoring program. Mr. Sauber agreed, and stated that the purpose of DWQ monthly ambient monitoring is to look for extremes and to evaluate the attainment of water quality standards (per the Falls Rules). The impairment determinations are done every 2 years using a 5-year rolling window.

Monthly monitoring is not sufficient for calculating loads with any confidence (e.g., to evaluate progress on the strategy based on nutrient data from the tributaries as opposed to response in lake chlorophyll-*a*). Calculating loads also requires flow measurements corresponding to the timing of the sample. The state's loading calculations were limited to the work done to develop the models for the Falls Rules. Mr. Sauber stated that the only way for Falls Lake to be removed from the state 303(d) list is for it to meet water quality standards for chlorophyll-*a*.

Unfortunately, there is a large amount of natural variability as well as a lag in the time it will take the lake to respond. It is often the case that decisions must be made with a less-than-ideal amount of data. The Board asked about whether the lake had improved or worsened in recent years; Mr. Sauber stated that the lake's overall health currently was approximately similar to study period [2005-2007].

Attendees asked about the creation of the lake. Mr. Sauber said that Falls Lake was predicted to be eutrophic when it was built, similar to other manmade lakes that impound rivers with large drainage areas. High-level discussions resulted in a decision to build Falls Lake anyway.

Some attendees asked questions related to how we can compare data and find out the sources of the problematic loads. The Neuse Basinwide Water Quality Plan and the Neuse River Basin Assessment are two sources for this information.

Lindsay stated that other organizations have recognized a need for enhanced monitoring to meet additional local objectives. Dan McLawhorn echoed this and talked about the monitoring being done by the LNBA/NRCA and

studies by Hans Paerl that has helped characterize emerging, intermittent, and undercontrolled sources. Mr. Sauber agreed and said that coalition data are also helpful for the state's use support determinations.

Mr. Waldroup articulated that the primary concern for the City of Raleigh has been the increases observed in Falls Lake in its levels of total organic carbon, which causes carcinogenic water treatment byproducts (and are regulated accordingly).

Mr. Waldroup said that nutrient issues were playing out nationally and that these could shape the re-look. He announced that AWWA would be hosting webinars on national nutrient issues on March 22 and April 16 and offered to help UNRBA members participate in these webinars.

Mr. Sauber also discussed the national debate on nutrient criteria being pushed by EPA. EPA is taking a variety of approaches to addressing the problem of proliferating impairments due to excess nutrients, and legal battles are arising.

### **TJCOG Upper Neuse Water Quality Monitoring Project**

Mike Schlegel with Triangle J Council of Governments gave a very brief update of the TJCOG project to develop an Upper Neuse Water Quality Monitoring Plan. There are a lot of entities conducting monitoring in the Falls Lake watershed, but the data collected are not necessarily comparable. TJCOG applied for a 205(j) DWQ grant and funding was finally approved. The project got underway in advance of state funding with support from the UNRBA and the City of Durham, for which Mike expressed appreciation.

Mike summarized progress to date on progress toward developing a long-term water quality monitoring framework. The framework is envisioned to be comprehensive yet scalable in its application. The group has identified a number of goals for water quality monitoring:

The group has accomplished several tasks to date:

- common definitions and terminology to enhance group understanding and productivity.
- an online project wiki to house working materials and meeting materials.
- an inventory of water quality monitoring sites in the basin.

Mike discussed the different types of monitoring that might be conducted and the scales at which those types of monitoring might be appropriate. The project will recommend parameters, locations, and frequencies of monitoring data collection to meet different goals.

It may be the case that multiple entities are collecting water quality data, and this does not pose a problem provided the efforts are coordinated to ensure that data collected under different programs are comparable. Mike encouraged the UNRBA and TJCOG to be coordinating efforts with one another.

### **Update from the UNRBA Working Group and RFP Discussion**

Jim Wrenn said that the working group was working on an RFP with the goal that it would be released in July and a consultant secured by this fall. The budget had been discussed – it was anticipated that the increase in dues would largely go toward the contract.

Michelle Woolfolk is leading the subcommittee of the Working Group that is drafting the RFP. She confirmed the timeline mentioned by Jim and added that the subcommittee was anticipating a short list of potential contractors to present to the Board before the final selection is made.

The board will need to decide who has signatory authority to bind UNRBA to this contract; Sarah will manage the contract generally.

Mr. Gering asked about the scope of the RFP and its priorities. Michelle responded that the RFP has 4 areas: 1) review existing data and reports, 2) a plan for the relook, 3) scientific methods for establishing jurisdictional and tributary loads, and 4) scoping the water quality monitoring that will be necessary for the relook.

The Board discussed the need for this effort over and above the TJCOG effort. TJCOG's effort is broader and less detailed than the UNRBA members require. The RFP will look at what elements of the project are useful to the UNRBA, but they will have different focuses. The UNRBA needs guidance on many issues in addition to monitoring. Mike Schlegel articulated that the UNRBA has specific interests and probably a different time horizon than UNRBA. Heather Saunders added that TJCOG's project takes the regulatory framework as a given, which the UNRBA project may not.

Dan McLawhorn suggested staff develop a timeline of steps that need to be taken and milestones before the EMC in 2023 as it prepares to make any changes. If we want a better model, we need to collect more than 3 years of data. If we want to use a different model, we need DWQ approval. This is already an urgent time schedule. Jay Sauber added that the first report to the EMC is due in 2016.

Sarah added that she is now staffing the Working Group, and that it appears to be a Special Committee under the new bylaws. Sarah asked the Board to establish the RFP and Relook Committee, a subcommittee of this Special Committee. Mr. Baker moved to do so (with some clarification), and \_\_\_\_

Sarah asked the Board if they wanted to nominate chairs and vice-chairs. The Board agreed that these committees should nominate chairs and vice-chairs for Board approval as well as a new name for the Working Group.

Sarah provided a list of participants on the Working Group for transparency and to show that there are a couple of members not represented on the group.

Mr. Mize moved to delegate the committee group to the Working Group to the Committee itself (they can form themselves); Pam and the Board emphasized that anyone may participate in perpetuity. The motion passed unanimously.

### **UNRBA FY12 Dues and Budget**

Sarah called the Board's attention to budget shown on the Path Forward handout and asked whether they desired to see a more detailed budget in May for approval. The Board felt that the budget shown on the Path Forward was sufficient for their purposes. Reginald Hicks said that Councilor Cole-McFadden would likely want more detail; an Executive Committee meeting was planned to discuss the budget in greater detail before May.

No UNRBA member has expressed opposition to the higher dues to date. However, Wake County had not yet considered it.

The Board elected to approve FY12 at their May meeting. Sarah said that the draft dues were being used provisionally.

### **Miscellaneous Housekeeping**

Mr. Mize moved to authorize Sarah to sign contracts; further discussion clarified that the Board Chair or Vice-Chair should co-sign contracts. The motion was seconded and passed unanimously.