

AGENDA

Lower Neuse Basin Association, Inc.® Neuse River Compliance Association, Inc.®

**September 2, 2021
Webinar/Conference Meeting Due to Covid-19
10:00 a.m.**

- **Welcome, Roll Call, and Introduction of Guests**
- **Approval of Minutes for May 6, 2021 (AI) – Barry**
- **LNBA/NRCA Financials – Donald, (if Donald not available, Haywood)**
 - * June, July, and August, 2021 Treasurer’s Reports (AI) – Donald**
 - * FY 2020-21 Year to Date Final Expenditure Summary - Haywood**
 - * FY 2021-22 Membership Fees Update - Haywood**
 - * Total Nitrogen Assessment for 2020 Update - Haywood**
 - * IRS Issue with 2020 990 Tax Return - Haywood**
- **NRCA 2021 Draft Midyear Report - Haywood**
 - * Nitrogen Leasing for 2021 Reminder**
- **Town of Snow Hill Request and Recommendation for Membership in the LNBA and NRCA (AI)-
Chuck Smithwick, Kenny Stevens, and Haywood**
- **LNBA Sampling Report – May, June, July, and August, 2021 – Haywood**
 - * 2018 303(d) and Integrated Report Update – Jay Sauber**
- **LNBA/NRCA Training Program Report - Haywood**
- **2021 Legislative Update –**
- **Member Reports -**
- **Next Meeting and Adjourn – Location/Date: To Be Determined - November 4th, 2021**

Action Items (AI)

You're invited to join a Microsoft Teams meeting.... Join on your computer or mobile app

Title: LNBA/NRCA Board Meeting

Time: Thursday, September 2, 2021 10:00:00 AM Eastern Daylight Time

[Click here to join the meeting](#)

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.

Lower Neuse Basin Association®
Neuse River Compliance Association®
P.O. Box 1410
Clayton, N.C. 27528-1410

MEMORANDUM

TO: LNBA and NRCA Board Members

FROM: Haywood Phthisic, Executive Director

DATE: August 30, 2021

SUBJECT: Town of Snow Hill - Membership Request.

At the May 06, 2021 NRCA Board Meeting the Town of Snow Hill requested to join the LNBA and NRCA. The Town of Snow Hill submitted the required membership application package and Haywood Phthisic prepared a summary of the total nitrogen discharged from their facility for 2018, 2019, and 2020 which showed the facility operating at approximately 50% of the total nitrogen allocation.

NPDES Permit # NC0020842

Permitted Flow: 0.5 MGD

Nitrogen Allocation: 5,632 lbs. End of Pipe; 2,816 lbs. Estuary; 50% Transport Zone

On August 18, 2021, Chuck Smithwick, Kenny Stevens, and Haywood Phthisic visited the wastewater facilities. Drake Robart, the manager of the wastewater facility, gave a tour of the facility, provided additional insight and issues at the facility.

After the tour the group concluded that Snow Hill should be recommended to the Board for membership in the LNBA and NRCA.

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.

Lower Neuse Basin Association, Inc. / Neuse River Compliance Association, Inc.

Treasurer's Report

8/15/2021

LNBA

Balance Forward: (checking per bank statement - 5/31/2021)		Checking	\$	52,335.86
		Savings		135,162.25
Debits:	Environment I, Inc. (LNBA, Invoices)		\$	15,308.12
	Environment I, Inc. (Raleigh, Invoices)			2,837.10
	MFG Consulting LLC (Invoices)			-
	Pci (Invoices)			3,101.88
	Total Debits		\$	21,247.10
Credits:	Interest (checking)		\$	9.43
	Interest (savings)			180.00
	Transfer from Checking to Savings Account			15,000.00
	FY 2021-22 Membership Fees			34,956.82
Checking Account Balance (per bank statement - 7/31/2021)			\$	51,055.01
				150,343.26
Total LNBA Account Balance			\$	201,398.27

NRCA

Balance Forward: (per bank statement -5/31/2021)		Checking	\$	70,488.36
		Savings		194,662.89
Debits:	PCi (Invoices)		\$	4,653.00
	MFG Consulting, LLC. (Invoice)			330.00
	Total:		\$	4,983.00
Credits:	Transfer from Checking to Savings Acc't		\$	40,000.00
	Interest (Savings)			274.59
	Interest (Checking)			12.23
	Nitrogen Assessment Fee for 2020			3,554.70
	FY 2021-22 Membership Fees			18,086.57
Account Balance (per bank statement - 7/31/2021)		Checking	\$	43,604.16
		Savings		238,493.19
Total NRCA Account Balance			\$	282,097.35

Year to Date Expenditures for FY 2020-21

Date: 7/09/2021

LNBA	Monitoring	ED Services	Training	Admin	Legal	Web Services	Consultant	Total	Raleigh
July, 2020	\$ 7,654.06	\$ 1,558.15	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 9,212.21	\$ 1,418.55
August	7,654.06	1,707.35	-	-	-	-	-	9,361.41	1,418.55
September	7,654.06	1,416.35	-	-	-	-	-	9,070.41	1,418.55
October	7,654.06	1,555.93	-	-	-	150.00	-	9,359.99	1,418.55
November	7,654.06	1,071.19	-	630.00	-	150.00	-	9,505.25	1,418.55
December	7,654.06	1,074.80	-	-	-	150.00	-	8,878.86	1,418.55
January, 2021	7,654.06	928.08	-	-	-	150.00	-	8,732.14	1,418.55
February	7,654.06	1,200.64	-	-	-	150.00	-	9,004.70	1,418.55
March	7,654.06	1,352.56	-	-	-	-	-	9,006.62	1,418.55
April	7,654.06	1,423.42	-	-	-	-	665.00	9,742.48	1,418.55
May	7,654.06	1,510.12	-	-	-	-	-	9,164.18	1,418.55
June	7,654.06	1,487.24	-	-	-	180.00	-	9,321.30	1,418.55
Total	\$ 91,848.72	\$ 16,285.83	\$ -	\$ 630.00	\$ -	\$ 930.00	\$ 665.00	\$ 110,359.55	\$ 17,022.60
Budget	\$ 94,800.00	\$ 21,500.00	\$ 1,500.00	\$ 1,000.00	\$ 10,000.00	\$ 2,500.00	\$ 3,500.00	\$ 134,800.00	82%

NRCA	Permit/Grant	ED Services	Training	Admin	Legal	Web Services	Consultant	Total	ModMon
July, 2020	\$ -	\$ 2,338.00	\$ -	\$ -	\$ -	\$ 175.00	\$ -	\$ 2,513.00	\$ -
August	-	2,560.00	-	-	-	190.00	280.00	3,030.00	-
September	-	2,629.00	-	-	-	150.00	-	2,779.00	-
October	-	2,334.00	-	-	-	-	-	2,334.00	-
November	-	1,990.00	-	630.00	274.73	-	-	2,894.73	-
December	3,440.00	1,995.00	-	-	-	-	1,820.00	7,255.00	-
January, 2021	-	1,391.00	-	-	-	-	-	1,391.00	-
February	-	1,400.00	-	-	-	-	-	1,400.00	-
March	-	2,512.00	-	-	-	150.00	-	2,662.00	-
April	-	2,644.00	-	-	-	150.00	665.00	3,459.00	-
May	-	2,803.00	-	-	-	200.00	-	3,003.00	-
June	-	2,232.00	-	-	-	-	-	2,232.00	-
Total	\$ 3,440.00	\$ 26,828.00	\$ -	\$ 630.00	\$ 274.73	\$ 1,015.00	\$ 2,765.00	\$ 34,952.73	\$ -
Budget	\$ 3,500.00	\$ 42,500.00	\$ 1,500.00	\$ 2,500.00	\$ 22,500.00	\$ 1,500.00	\$ 3,500.00	\$ 77,500.00	45%

NEUSE RIVER COMPLIANCE ASSOCIATION

Draft Total Nitrogen Mid Year Report (July 1, 2020 thru June 30, 2021) for 2021

August 30, 2021

Page 1 of 5

NPDES Permit #: NCC00001		END OF PIPE						ESTUARY			
FACILITY	NPDES Permit #	Permit Flow (MGD)	2020-21 Avg. Flow (MGD)	Member TN Allocation (Lbs/Yr.)	Member TN Discharge (Lbs/Yr.)	Transport Zone	Annual Lease Amount	Member Estuary Allocation	Adjusted TN Allocation 2021 (Lbs/Yr.)	2021 TN Delivery (Lbs/Yr.)	% of Estuary Allocation
City of Durham	NC0023841	20.000	6.250	97,655	39,005	10%	0	9,767	0	3,900	40
Town of Hillsborough	NC0026433	3.000	1.113	10,422	5,151	10%	0	1,042	0	515	49
SGWASA	NC0026824	5.500	6.014	22,420	39,252	10%	0	5,860	0	3,925	67
Town of Apex	NC0064050	3.600	1.331	40,547	15,813	50%	0	20,274	0	7,907	39
Town of Benson	NC0020389	1.900	1.590	33,070	15,703	50%	0	16,535	0	7,852	47
Town of Cary ~ North	NC0048879	12.000	6.310	143,246	39,779	50%	0	71,623	0	19,890	28
Town of Cary ~ South	NC0065102	12.800	5.634	180,211	28,919	50%	0	90,105	0	14,459	16
City of Raleigh ~ Smith Creek	NC0030759	3.000	2.254	70,814	30,289	50%	0	35,407	0	15,145	43
City of Raleigh ~ Neuse	NC0029033	75.000	48.434	687,373	247,871	50%	0	341,242	0	123,935	45
Raleigh ~ Ground Water	NA	NA	NA	NA	61,231	50%		NA		30,616	
City of Raleigh ~ Little Creek	NC0079316	2.200	1.000	26,660	6,314	50%	0	13,330	0	3,157	24
Town of Clayton	NC0025453	2.500	1.654	22,832	19,998	50%	0	11,416	0	9,999	88
Neuse Colony, (Aqua NC)	NC0064564	0.350	0.331	8,447	8,727	50%	0	4,224	0	4,364	103
Johnston County	NC0030716	9.500	6.712	71,476	43,872	50%	0	35,738	0	21,936	61
Town of Kenly	NC0064891	0.630	0.472	7,096	8,504	50%	0	3,548	0	4,252	120
Town of Farmville	NC0029572	3.500	1.542	42,211	4,286	50%	0	21,106	0	2,143	10
City of Wilson	NC0023906	14.000	10.996	157,886	80,684	50%	0	78,943	0	40,342	51
Duke Energy ~ H F Lee Plant	NC0003417	NA	0.104	3,260	104	70%	0	2,282	0	73	3
City of Goldsboro	NC0023949	14.200	12.708	199,822	147,480	70%	0	139,876	0	103,236	74
Town of LaGrange	NC0021644	0.750	0.769	8,447	8,406	70%	0	5,913	0	5,884	100
City of Kinston (Regional)	NC0024236	11.850	6.627	126,711	67,682	70%	0	88,697	0	47,377	53
Contentnea MSD	NC0032077	3.500	2.210	37,100	7,712	70%	0	25,970	0	5,399	21
Dupont-Kinston, Inc.	NC0003760	3.600	0.327	25,493	1,702	70%	0	17,845	0	1,191	7
City of New Bern	NC0025348	6.500	3.787	64,210	50,161	100%	0	64,210	0	50,161	78
MCAS Cherry Point	NC0003816	3.500	1.516	39,421	20,085	100%	0	39,421	0	20,085	51
City of Havelock	NC0021253	2.250	1.541	21,400	13,044	100%	0	21,400	0	13,044	61
Craven County	NC0089460	0.860	0.690	NA	4,160	100%	0	0	0	4,160	100+
CWS Systems, Inc.	NC0033111	0.600	0.345	11,263	20,479	100%	0	11,263	0	20,479	182
		217.090	132.259		1,036,415			1,174,755		585,426	

* Indicates expired NPDES permits.

This Compliance Report has been compiled from co-permittee members' monthly discharge monitoring reports. I certify that this report is accurate and complete to the best of my knowledge.

Daniel F. McLawhorn, Chairman, Neuse River Compliance Association

Date

NOTES: 1. Average Total Nitrogen Concentration End of Pipe by NRCA Members during 2021 (midyear):

2.45 MG/L

2. Average Total Nitrogen Concentration with ground water contribution in 2021 (midyear):

2.61 MG/L

3. NRCA's Midyear Report Prepared By: Haywood M. Phthisic, III, Executive Director

NEUSE RIVER COMPLIANCE ASSOCIATION
CO-PERMITTEE /MEMBER INFORMATION AND APPLICATION FOR RENEWAL OF NPDES
PERMIT FOR TOTAL NITROGEN DISCHARGE AS CO-PERMITTEE WITH THE NEUSE
RIVER COMPLIANCE ASSOCIATION

FACILITY OWNER: Town of Snow Hill

Contact: Drake Robart

Phone Number: (252) 939-5213

Address: 908 SE Second st, Snow Hill NC 28580

Email Address: wwtp_orc@snowhillnc.com

Facility Operator (if different than owner): Drake Robart

Facility Name: Snow Hill WWTP

NPDES Permit No.: NC0020842

Receiving Waters: Contentnea Creek in the Neuse river basin

Outfall No.: 001

Location Coordinates: Latitude:35°27' 28" N Longitude: 77°39' 35" W

Permitted Flow: 0.5 MGD

Original Total Nitrogen Allocation at the Discharge Location (as assigned in the Neuse Nutrient Sensitive Waters Mgmt. Strategy) **in pounds per year:**

5632 LBs

Other Acquired Total Nitrogen Allocations (through purchase, plants acquired, regionalization, etc.) **in pounds per year at the discharge location: (please list each acquisition separately):**

None.

Total Nitrogen Allocation (Permitted) at the Discharge Location:

5632 LBs

Total Nitrogen Allocation Held in Reserve (not permitted through the individual NPDES permit) **in pounds at the discharge location:**

None

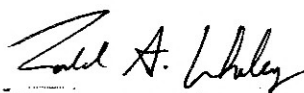
Total Nitrogen Transport Factor to the Estuary as assigned by DWQ expressed as a percent: 50%

Total Nitrogen Allocation (Permitted and not in reserve) at the Estuary in pounds per year:

2816 LBs

Certification (Must be signed by the individual who would be authorized to sign a permit renewal.)

I certify that the above information is, to the best of my knowledge and belief, true, accurate and complete.

 *Town Manager*
Name and Title

8/12/2021
Date

Lower Neuse Basin Association®
Neuse River Compliance Association®
P.O. Box 1410
Clayton, N.C. 27528-1410

MEMORANDUM

TO: LNBA and NRCA Board Members

FROM: Haywood Phthisic, Executive Director

DATE: August 30, 2021

SUBJECT: Town of Snow Hill - Membership Request.

At the May 06, 2021 NRCA Board Meeting the Town of Snow Hill requested to join the LNBA and NRCA. The Town of Snow Hill submitted the required membership application package and Haywood Phthisic prepared a summary of the total nitrogen discharged from their facility for 2018, 2019, and 2020 which showed the facility operating at approximately 50% of the total nitrogen allocation.

NPDES Permit # NC0020842

Permitted Flow: 0.5 MGD

Nitrogen Allocation: 5,632 lbs. End of Pipe; 2,816 lbs. Estuary; 50% Transport Zone

On August 18, 2021, Chuck Smithwick, Kenny Stevens, and Haywood Phthisic visited the wastewater facilities. Drake Robart, the manager of the wastewater facility, gave a tour of the facility, provided additional insight and issues at the facility.

After the tour the group concluded that Snow Hill should be recommended to the Board for membership in the LNBA and NRCA.

Lower Neuse Basin Association ®

TO: Board Members

FROM: Haywood Phthisic, Executive Director

SUBJECT: Sampling/Monitoring Report for September 2, 2021 Board Meeting

DATE: August 31, 2021

Work continues on the Lower Neuse River Monitoring Service Contract No. 5 with Environment I. All sampling was completed by Environment 1 in May, June, July and August, 2021. Data sets have been received through May, 2021. July sampling results are in data review. All invoices through July, 2021 have been processed and paid.

All samples were collected and analyzed per the MOA requirements in May, June and July. August had the following exceptions:

J4520000 (Swift Creek at Steel Bridge near Smithfield) – unable to collect the field parameters due to bridge construction. Full sample collection was accomplished on August 2nd.

2018 303(d) Report and Integrated Report – Jay Sauber with Sauber Water Quality Consulting will update the Board on the status of the 2018 303(d) list and integrated report.