

Lower Neuse Basin Association®/Neuse River Compliance Association®
November 2, 2017, Meeting Minutes
Johnston County, Smithfield, N.C.

Attending:

Donald Smith	Town of Cary	Dan McLawhorn	City of Raleigh
Tony Hawkins	City of New Bern	Jeff White	Dow Dupont-Kinston
Barry Parks	City of Wilson	Emily Elmore	City of Kinston
Paul Allen	Town of Benson	Jimmy Pridgen	City of Wilson
John Cratch	Town of Apex	Chandra Farmer	Johnston County
T. J. Lynch	City of Raleigh	Danny Lassiter	CWS, Inc.
James Warren	Town of Clayton	Chuck Smithwick	Contentnea MSD
Dan Wall	Johnston County	Tim Broome	Johnston County
Kenny Stevens	City of Kinston	Kim Rineer	Johnston County
Glenn Dunn	Poyner & Spruill	Matthew Stillwell	DEQ DWR
Jay Sauber	Sauber Consulting	Mike Wagner	City of Goldsboro
Peter Rabbe	American Rivers	Mark Vander Borgh	DEQ DWR Water Science
Rusty Hayes	Craven County	Elliot Thomas	Craven County
Haywood Phthisic	LNBA/NRCA		

The Chair, Dan McLawhorn, called the meeting to order and welcomed everyone. The roll was called and there were 12 of 18 members present representing the LNBA and 14 of 22 members present representing the NRCA. There was a quorum present for both association. Guests were introduced and recognized.

Board Minutes – The Board Minutes from the September 7, 2017 meeting were presented and approved by the Boards.

Treasurer's Report - The Treasurer's Reports for October and November, were presented by Donald Smith, Treasurer. As of October 24th the LNBA account balances were \$193,283.93 and NRCA account balances are \$203,988.52. Rusty Hayes made a motion to approve the reports as presented, seconded by T. J. Lynch, and approved by the Boards. Haywood presented the FY 2018-19 draft budget for the LNBA/NRCA with no proposed increases. He noted the finance committee has not reviewed the budget.

LNBA Sampling Committee Report – Work on the Lower Neuse River Monitoring Service Contract No. 5 with Environment I continues. All sampling was completed by Environment 1 in September and October, 2017. Data sets have been received through August, 2017 and uploaded to the website. All invoices through September, 2017 have been processed and paid. The September lab results are in data review.

September, 2017 –

J2230000 (Smith Creek at Burlington Mill Road) was inaccessible due to road construction. Full sample collection was completed on 9/25/17.

J5410000 (Mill Creek at Richardson Bridge Road) Unable to access due to bridge replacement construction. J542000 (Mill Creek at Williford Road near Cox Mill) was established as an alternative site and was sampled on 9/21/17.

October, 2017 - All samples were collected and analyzed per the MOA requirements. Analysis of these samples are in progress.

LNBA/NRCA Board Meeting Dates for 2018 – The Board meeting dates for 2018 are: January 25th, May 3rd, September 6th, and November 1st.

2017 Nitrogen Leases – Haywood reminded the NRCA members to review their total nitrogen discharge and if they are exceeding that allocation to consider leasing nitrogen from another member. Those leases must be executed by December 31, 2017 to be valid for 2017.

02B Rules Review Update and Comments – DWR held a stakeholder meeting on the Rules Re-adoption process as directed by the EMC WQC. Following that stakeholder meeting additional comments have been drafted for the Boards' consideration. Dan reviewed the comments of interest and the effect to the members. Haywood provided an example of the nitrogen offset required for a 10 mgd expansion for a facility in HUC 01, that value being \$117 million. Following discussion by the Board, T. J. made a motion to approve and submit the comments, seconded by Kenny Stevens, Jr., and approved by the Board.

Johnston County Nitrogen Lease Request – Chandra Farmer with Johnston County requested that the NRCA consider leasing 5,000 lbs. of estuary nitrogen to Johnston County. Johnston County is expanding the facility to 13.5 mgd and will need nitrogen to meet the permit requirements. Additional plans to meet the nitrogen requirements include expanding their reuse system and a lease from the Town of Benson. Haywood noted that the Board has not developed a policy on leasing the association's nitrogen allocation and suggested this request be referred to the Finance Committee. Following discussion, The Chair referred this request to the Finance Committee and requested that the Finance Committee bring a recommendation (nitrogen lease policy) back to the Board in January.

NACWA Request to Support Amicus Brief – The National Association of Clean Water Agencies is seeking support and requesting sister agencies like the NRCA to file a "Brief for Amicus Curiae" in a U.S Court of Appeals for the Second Circuit, Case No. 17-2426. The issue in this case involves the point at which sewer overflows into ground water (from a combined sewer system) in or near apartment buildings constitutes a violation of the Clean Water Act and should be permitted. Should the court overturn the lower court's decision then this precedent could potentially require a permit for any source that may release pollutants to groundwater. Following discussion by the NRCA Board, T. J. Lynch made a motion to support filing the amicus brief, seconded by Barry Parks, and approved by the NRCA Board.

Member Reports – All members were given the opportunity to share any items that may be of interest to the associations.

The next meeting is scheduled for January 25, 2018 at 10:00 to be hosted by the City of Goldsboro. With no further business, the meeting was adjourned.