

AGENDA

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

**November 2, 2023
Kinston, N. C.
10:00 a.m.**

- **Welcome, Roll Call, and Introduction of Guests -**
 - * Member Introductions**
- **Approval of Minutes for September 7, 2023 (AI) – pages 2 – 4**
- **LNBA/NRCA Meeting Dates for 2024 (AI) – page 5**
- **LNBA/NRCA Financials –**
 - * September and October, 2023 Treasurer’s Reports (AI) – page 6**
 - * Revised Website Update -**
 - * FY 2024-25 Budget Prep -**
- **Neuse Basin Modeling Update -**
 - * WSP Activity Report, October, 2023 – page 7**
 - * Stakeholder Meeting December 5, 2023, 2:00 – 4:00 pm –**
- **LNBA Updates -**
 - * Sampling Report – September and October, 2023 – page 8**
 - * Renewal of Memorandum of Agreement with DWR (July 31, 2024) – page 9**
- **NRCA Updates -**
 - * Nitrogen Lease Reminder for 2023 -**
 - * Continued Discussion on Nitrogen Allocation Compliance in NRCA Bylaws – page 10**
- **LNBA/NRCA Delegates – pages 11 & 12**
- **Member Reports -**
- **Next Meeting and Adjourn – Location/Date: TBD – February 1, 2024**

Action Items (AI)

Lower Neuse Basin Association®/Neuse River Compliance Association®
September 7, 2023 Meeting Minutes
North Cary WWTF, Cary, N. C.

Attending:

John Kiviniemi (Chair)	Raleigh Water	Donald Smith (Treas)	Town of Cary
Kenny Stevens (Sec)	City of Kinston (virtual)	Chuck Smithwick (V-Chair)	Contentnea MSD
Dan McLawhorn (virtual)	McLawhorn Legal	Kathy Cooper	City of Raleigh
Brian Leavitt	Town of Benson (virtual)	Lori Avent	Town of Apex
Reggie Hicks	City of Durham	Jonathon Bulla	Town of Cary
William Beattie	Town of Apex	Adam Stephenson	Town of Fuquay-Varina
Lisa Joseph	Raleigh Water	Heather Adams	Town of Fuquay-Varina
Rick Day	City of Havelock (virtual)	Anthony Futrell	Carolina Water Service
Tony Konsul	Carolina Water Service	Jeff Mahagan	Town of Hillsborough
Jimmy Pridgen	City of Wilson	Robert Sherman	City of Goldsboro
Jim Bridges	City of Wilson	T. J. Lynch	Hazen & Sawyer
Jay Sauber	Sauber Water Quality	Andrew Mlot	City of Wilson
David Suggs	CovationBio	Dan Wall	Johnston County
Joe Pearce	Aqua, N.C.	John Huisman	NC DWR
Steve Tedder	Black & Vetch	Andrew Stevenson	Aqua, N.C.
Joesph Cummings	Town of Cary	Ron Boquist	Waypoint Anal.
Haywood Phthisic	LNBA/NRCA		

The Chair, John Kiviniemi, called the meeting to order and welcomed everyone. The roll was called and there were 12 of 19 members present representing the LNBA and 15 of 24 members present representing the NRCA. There was a quorum present for both associations and guests were introduced and recognized.

Board Minutes – The Board Minutes for the May 4, 2023 meeting were presented. Being no revisions, Chuck Smithwick made the motion to approve, seconded by Dan Wall, and approved by the Boards.

Financials – *Treasurer's Report* – Donald Smith presented the Treasurer's Report for the period of May, June, July, and August, 2023 to the Board. As of August 31st, the LNBA account balance is \$353,743.82 and NRCA account balance is \$393,836.77. Chuck Smithwick made the motion to approve the report as presented, seconded by Jimmy Pridgen, and approved by the Boards, respectively.

2022 990 Tax Returns – Haywood reported the LNBA and NRCA 990 Tax Returns have been prepared and emailed to the Boards for review. If there are any questions regarding the returns please let Haywood know by September 30th. The returns will be finalized and submitted to the IRS after that date.

2022 Nitrogen Assessment – Haywood reported the 2022 assessment for nitrogen allocation exceedance has been paid.

Watershed Modeling Update – John reported the agreement with WSP, Inc. has been executed and Dr. Marty Lebo and his team will be working on the Neuse Watershed model work. John reviewed the initial items that will be requested from DWR to start his work. There is a meeting on September 25th from 3:00 to 4:00 with RESPEC and DWR.

Website Rebuild Update – Haywood noted the beta website is operational and available for viewing. Please take a few moments to review the beta website and provide comments.

Quickbooks Software – Haywood reported (as follow up to the discussion in May) to the Board that the accounting software used to maintain the associations' financial is fully functional. The business model that Intuit has been using changed so an annual subscription will be required for both associations in the future.

20 Year Retrospective Review of the Neuse Estuary – John Huisman, with DWR, made a presentation to the Board regarding the 20 Year Retrospective of the Neuse Nutrient Management Strategy that has been in place for 20 years. The report was initially presented in May with comments welcomed. To review the report please click on this link: [20 Year Retrospective Review of the Neuse Estuary](#).

NRCA Updates –

NRCA Midyear Report – Haywood presented the 2023 midyear draft report summary. For this draft report the end of pipe total nitrogen average was 2.52 mg/L.

Discussion on Nitrogen Allocation Compliance Bylaw – The Executive Committee lead the discussion on the NRCA bylaws as related to compliance with the individual nitrogen allocations and leasing of nitrogen. A history of the bylaw development was given to the Board. Projections have been made when the Association will reach its permit cap (sum of all individual permit allocations) which appears to be in 2038 to 2043 time frame. For the information discussed please see page 8 in the agenda package: [September 7 2023 Agenda Package](#). This topic was for discussion and will continue over the next several Board meetings.

LNBA Updates –

Work continues on the Lower Neuse River Monitoring Service Contract No. 6 with Waypoint Analytical. All sampling was completed by Environment 1 in May, June, July, and August with the exceptions listed below:

May - All samples have been collected and analyzed as per MOA requirements with the following exceptions:

5/15/23 - J4580000 (Swift Creek at SR1501 (Swift Creek Road) near Smithfield) - Low flow, upstream dammed.
5/15/23 - J4690000 (Middle Creek, Sunset Lake near Holly Springs (SR-1152) - Unable to collect due to bridge construction.
Analytical results have been submitted.

June - All samples have been collected and analyzed as per MOA requirements with the following exceptions:

6/06/23 - J4690000 (Middle Creek, Sunset Lake near Holly Springs (SR-1152) - Unable to collect due to bridge construction.
6/20/23 - J4690000 (Middle Creek, Sunset Lake near Holly Springs (SR-1152) - Unable to collect due to bridge construction.
Analytical results have been submitted.

July - All samples have been collected and analyzed as per MOA requirements with the following exceptions:

7/07/23 - J4690000 (Middle Creek, Sunset Lake near Holly Springs (SR-1152) - Unable to collect due to bridge construction.
7/19/23 - J4690000 (Middle Creek, Sunset Lake near Holly Springs (SR-1152) - Unable to collect due to bridge construction.
7/27/23 - J4080000 (Poplar Creek at SR-2049 near Knightdale) - Flow too low to collect sample. Field parameters only.
7/27/23 - J4115000 (Marks Creek at Neuse River Trail near Archer Lodge) - Flow too low to collect sample. Field parameters only.
Analytical results are in final data review.

August - All samples have been collected and analyzed as per MOA requirements with the following exceptions:

8/09/23 - J4080000 (Poplar Creek at SR-2049 near Knightdale) - Flow too low to collect sample. Field parameters only.
8/18/23 - J4690000 (Middle Creek, Sunset Lake near Holly Springs (SR-1152) - Unable to collect due to bridge construction.
8/18/23 - J4500000 (Swift Creek at Indian Creek Discharge near Garner (Onondaga Drive)) - No site access due to locked gate.

Analytical results are still be generated and finalized. All invoices have been processed and paid through July, 2023.

The next meeting is scheduled for November 2, 2023 at 10:00 host will be determined. With no further business, the meeting was adjourned.

DRAFT

LNBA/NRCA Proposed Meeting Dates for 2024

Four Board Meetings in 2024:

- * February 01, 2024
- * May 02, 2024
- * September 05, 2024
- * November 07, 2024

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

Treasurer's Report

11/1/2023

LNBA

Balance Forward: (checking per bank statement - 8/31/2023)		Checking	\$	178,884.47
		Savings		174,859.35
Debits:	Environment I, Inc. (LNBA, Invoices)		\$	16,226.60
	Environment I, Inc. (Raleigh, Invoices)			3,007.32
	JRW Bookkeeping (990 Tax Return)			650.00
	MFG Consulting, LLC			180.00
	PCi (Invoices)			2,790.86
	Total Debits		\$	22,854.78
Credits:	Interest (checking)		\$	41.50
	Interest (savings)			878.85
	Membership Dues			(4,195.57)
Checking Account Balance (per bank statement -10/31/2023)			\$	151,875.62
				175,738.20
Total LNBA Account Balance			\$	327,613.82

NRCA

Balance Forward: (per bank statement -8/31/2023)		Checking	\$	111,803.27
		Savings		282,751.99
Debits:	PCi (Invoices)		\$	3,934.00
	MFG Consulting, LLC			180.00
	JRW Bookkeeping (990 Tax Return)			650.00
	Sauber Water Quality Consulting			549.00
	WSP, Inc.			970.50
	McLawhorn Law Office			600.00
	Total:		\$	6,883.50
Credits:	Transfer from Checking to Savings Acc't		\$	-
	Interest (Savings)			1,421.14
	Interest (Checking)			30.13
	Membership Dues			10,910.38
Account Balance (per bank statement - 10/31/2023)		Checking	\$	115,860.28
		Savings		284,173.13
Total NRCA Account Balance			\$	400,033.41

WSP Report (October 31, 2023) -

As preparation for the watershed modeling effort for the Neuse River watershed performed by RESPEC continues, I reviewed how Point Source discharges will be represented in the model for parameters included in HSPF. The overall focus for the evaluation was to determine whether it was likely that the assumptions for missing data would overstate the importance of Point Sources to nutrient mass transport. For HSPF, all required parameters need to be included in the input files for a discharger, and thus, missing data points need to be estimated from available information.

Findings:

1. The simulation plan indicates the proposed set of assumptions have been used in over 50 modeling projects.
2. The assumed concentrations for dissolved oxygen and BOD5 would not overstate wastewater discharges.
3. Data for the N and P series should be available for point sources under the TMDL requirements from the 1980s (TP limits) and early 2000s (TN limits), and thus, there is limited need for replacement of missing values. Also, assumed values, if used, are not high in concentrations.
4. Conversion of Carbonaceous BOD5 (CBOD) to long-term oxygen demand based on primary treated effluent with relatively rapid decay. The impact of the CBOD decay would be mainly within the watershed.

Overall, the replacement of missing data is unlikely to impact the model calibration in a meaningful way.

Lower Neuse Basin Association®

TO: Board Members

FROM: Haywood Phthisic, Executive Director

SUBJECT: Sampling/Monitoring Report for November 2, 2023 Board Meeting

DATE: November 1, 2023

Work continues on the Lower Neuse River Monitoring Service Contract No. 6 with Waypoint Analytical. All sampling was completed by Environment 1 in September and October with the exceptions listed below:

All samples have been collected and analyzed as per MOA requirements with the following exceptions:

September 2023

9/1/23 - J4690000 (Middle Creek, Sunset Lake near Holly Springs (SR-1152) - Unable to collect due to bridge construction.

9/1/23 - J12 qualifier for Dissolved Oxygen - End of day calibration verification check standard failed low (potential low data bias).

9/5/23 - J12 qualifier - Daily Calibration Log Sheet unaccounted for. Could not perform secondary review of calibration data.

9/11/23 - J4690000 (Middle Creek, Sunset Lake near Holly Springs (SR-1152) - Unable to collect due to bridge construction.

9/21/23 - J4080000 (Poplar Creek at SR-2049 near Knightdale) - Flow too low to collect sample. Field parameters only.

9/22/23 - J4115000 (Marks Creek at Neuse River Trail near Archer Lodge) - Flow too low to collect sample. Field parameters only.

October 2023

10/23/23 - J4690000 (Middle Creek, Sunset Lake near Holly Springs (SR-1152) - Unable to collect due to bridge construction.

All invoices have been processed and paid through September, 2023.

LNBA Memorandum of Agreement (MOA) with the Division of Water Resources

11/02/2023

As noted at the November 3rd, 2022 Board meeting the renewal of the MOA with DWR will come due July 31, 2023. This agreement was initially entered into in July, 1994 and has been in effect since that time. The agreement renews every 5 years should the association agree to renew. What started as sampling sites being located upstream and downstream of discharge locations has evolved into sampling stations located to provide sampling of water quality in needed locations.

The value to the members, as a whole, is the individual permit condition to sample upstream and downstream is waived as long as you are a member of the LNBA and the LNBA has approved the agreement. Any condition in the individual permit (such as hardness or other condition) is the responsibility of the individual permit holder.

The LNBA will receive a draft MOA from the Division in early 2024. The Board will need to approve the document the tentatively scheduled Board meeting on May 2nd. At that time the name of authorized signature authority for your jurisdiction will be request for final preparation of the MOA document. The “authorized signature authority” is the person delegated that authority by the governing body. This person is generally who is authorized to sign the jurisdiction’s NPDES permit for renewal, modifications, etc.

In the past the executive director coordinated the signature process but the Division has incorporated a DocuSign system in the renewal process so the Division will be leading that effort.

NRCA History of Bylaws for Total Nitrogen Compliance

* Bylaws were developed in 2002 as the NRCA was formed for the first compliance year, 2003.

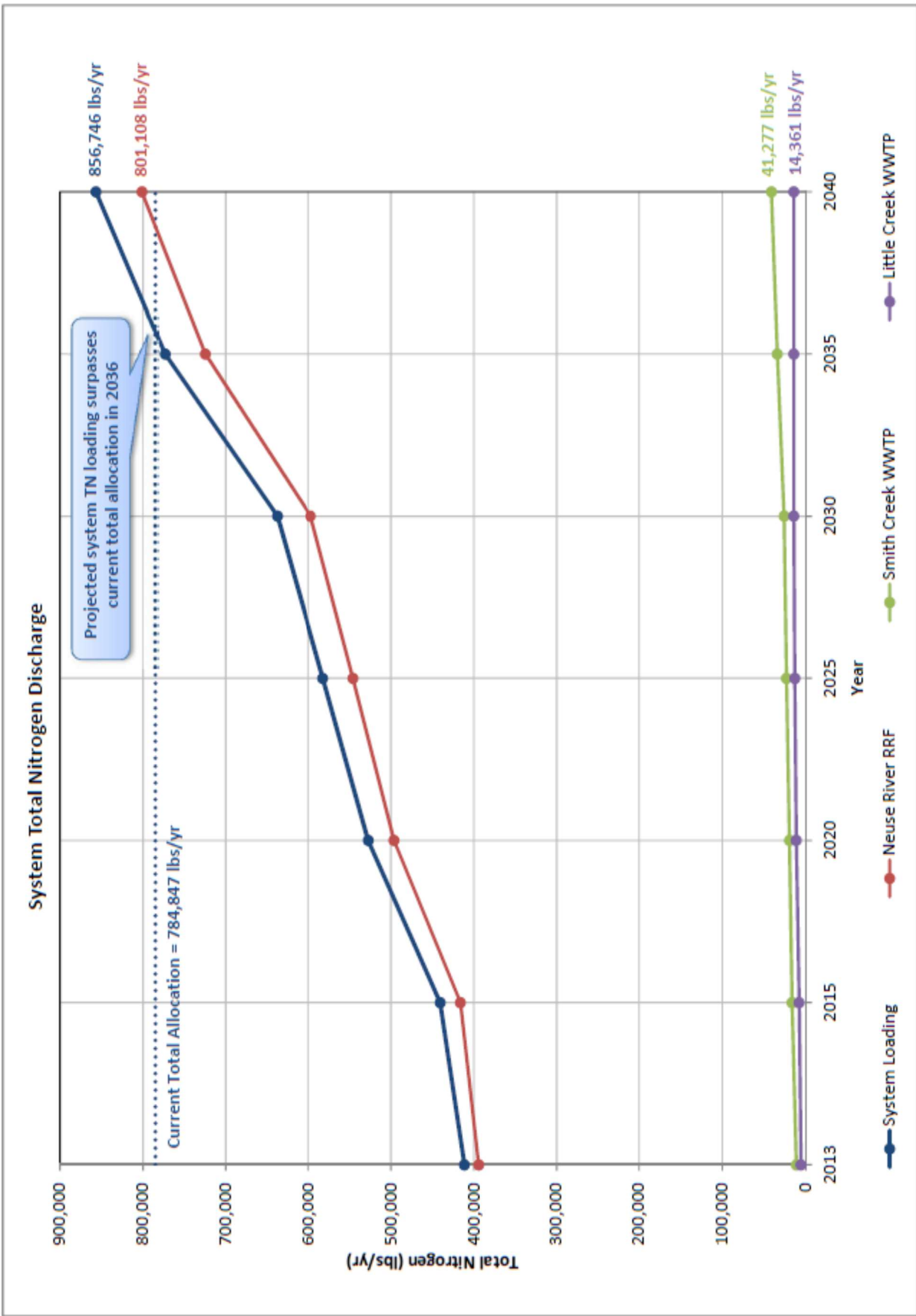
* Initially, there was no monetary penalty for noncompliance with the individual TN allocation.

If an individual member caused an exceedance of the Association TN limit the individual causing the exceedance would be responsible to pay the established rule rate of \$11 per pound as adopted by 15A NCAC 2B .0240. The bylaws allowed the Board to establish other penalties to assess members.

* June 17, 2003 – The Board amended the bylaws that assessed the individual member one-fourth of the Wetlands Restoration Fund for its first exceedance, 50% for its second, 75% for its third, and 100% of its fourth TN exceedance. Any assessment would be made available to the exceeding member once improvements were made and member achieves compliance. The Association would retain 20% of the amount levied for administrative expenses. Assessments are based on estuary pound exceedance not end of pipe. This revision became effective January 1, 2004. The assessment applied to the exceedance even if Association was compliant with its TN allocation.

* May 01, 2011 – The bylaw revisions included revising the language to the N.C. Ecosystem Enhancement Program (EEP) and Subsection (f)' if a member leased to comply with its end of pipe nitrogen allocation would not be subject to the Association's assessment policy but is subject to action under Subsection (e) for excessive violations of its nitrogen allocation.

Subsection (e) – A Co-Permittee Member may be removed by the Board for excessive violations of its Co-Permittee Member TN Limitation; provided that before a Co-Permittee Member shall be removed the Association shall provide such Co-Permittee Member notice that removal is being considered, which notice shall include a description of the reason for removal, and shall allow the Co-Permittee one year to correct or achieve substantial progress in correcting the violation.



2023 LNBA Board of Directors and Alternates

Date: 10/20/2023

Member	Director	Alternate # 1	Alternate # 2
Town of Apex	Lori Avent	Michael Deaton	William Beattie
Town of Benson	Kim Pickett	Brian Leavitt	ND*
Town of Cary	Donald Smith	Jonathon Bulla	Jamie Revels
Town of Clayton	Rich Cappola	Byron Poelman	William Simpson
Contentnea MSD	Chuck Smithwick	Renee Smith	Harriet Pridgen
CovationBio, Inc.	David Suggs	Shelby Arellano	Randell Harrell
Town of Farmville	David Hodgkins	James Shoulders	Brian Shackelford
Town of Fuquay-Varina	Mike Wagner	Chris Grimes	Adam Stephenson
City of Goldsboro	Robert Sherman	Bobby Edwards	ND*
City of Havelock	Rick Day	ND*	ND*
Johnston County	Dan Wall	Chandra Farmer	ND*
Town of Kenly	Phillip Smith	Mike McAllister	ND*
City of Kinston	Kenny Stevens	Ben Overton	ND*
Town of LaGrange	John Craft	James Sutton	ND*
City of New Bern	Jordan Hughes	Tony Hawkins	Art Hough
Duke Energy Progress	Mike Graham	ND*	ND*
City of Raleigh	John Kiviniemi	Erica Baily	Kathy Cooper
City of Wilson	Kyle Manning	Jimmy Pridgen	Laura Pruitt
Town of Snow Hill	Drake Robart	Todd Whaley	ND*

2023 NRCA Board of Directors and Alternates

Date: 9/20/2023

Member	Director	Alternate # 1	Alternate # 2
Town of Hillsborough	Jeff Mahagan	Marie Strandwitz	Corwin Hess
City of Durham	Reginald Hicks	Sydney Miller	ND*
South Granville WASA	Scott Schroyer	ND*	ND*
Town of Apex	Lori Avent	Michael Deaton	William Beattie
Aqua, N. C.	Joe Pearce	Andrew Stevens	Robert Kruger
Town of Benson	Kim Pickett	Brian Leavitt	ND*
Town of Cary	Donald Smith	Jonathon Bulla	Jamie Revels
Town of Clayton	Rich Cappola	Byron Poelman	William Simpson
Contentnea MSD	Chuck Smithwick	Renee Smith	Harriet Pridgen
CovationBio, Inc.	David Suggs	Shelby Arellano	Randell Harrell
Town of Farmville	David Hodgkins	James Shoulders	Brian Shackelford
City of Goldsboro	Robert Sherman	Bobby Edwards	ND*
City of Havelock	Rick Day	ND*	ND*
Johnston County	Dan Wall	Chandra Farmer	ND*
Town of Kenly	Phillip Smith	Mike McAllister	ND*
City of Kinston	Kenny Stevens	Ben Overton	ND*
Town of LaGrange	John Craft	James Sutton	ND*
MCAS - Cherry Point	Timothy Lawrence	Richard Weaver	ND*
City of New Bern	Jordan Hughes	Tony Hawkins	Art Hough
Duke Energy Progress	Mike Graham	ND*	ND*
Town of LaGrange	John Craft	James Sutton	ND*
City of Raleigh	John Kiviniemi	Erica Bailly	Kathy Cooper
City of Wilson	Kyle Manning	Jimmy Pridgen	Laura Pruitt
Craven County	Elliot Thomas	Craig Warren	ND*
Town of Snow Hill	Drake Robart	Todd Whaley	ND*