### **AGENDA**

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

September 7, 2023 Cary, N. C. 10:00 a.m.

- **▶** Welcome, Roll Call, and Introduction of Guests
  - \* Member Introductions
- > Approval of Minutes for May 4, 2023 (AI) –
- ➤ LNBA/NRCA Financials
  - \* May, June, July, and August, 2023 Treasurer's Reports (AI) -
  - \* 2022 990 Draft Tax Return -
  - \* 2022 Assessment Update -
  - \* Watershed Modeling Update -
  - \* Website Rebuild Update -
  - \* QuickBooks Software -
- > 20 Year Retrospective Review of Neuse and Tar Pamlico Nutrient Management Rule -
- > NRCA Updates -
  - \* NRCA Mid Year Report for 2023 -
  - \* Discussion on Nitrogen Allocation Compliance Bylaw Revisions -
- > LNBA Updates -
  - \* Sampling Report May, June, July, and August, 2023 -
- > Member Reports -
- ➤ Next Meeting and Adjourn Location/Date: City of Kinston November 2, 2023

Action Items (AI)

### ? Lower Neuse Basin Association®/Neuse River Compliance Association® May 4, 2023 Meeting Minutes Contentnea MSD, Grifton, N. C.

### Attending:

John Kiviniemi (Chair)	Raleigh Water	Donald Smith (Treas)	Town of Cary
Kenny Stevens (Sec)	City of Kinston	Chuck Smithwick (V-Ch	air) Contentnea MSD
Brian Leavitt	Town of Benson	Lori Avent	Town of Apex
Tony Hawkins	City of New Bern	Anthony Futrell	Carolina Water Service
Jimmy Pridgen	City of Wilson	Richard Hamilton	City of Goldsboro
David Suggs	CovationBio	Dan Wall	Johnston County
Travis Cooke	RES	Mark Vander Borgh	NC DWR
Steve Tedder	Black & Vetch	Andrew Stevenson	Aqua, N.C.
Mark Oliveira	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 11 of 19 members present representing the LNBA and 13 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 for the February 2, 2023 meeting were presented. Being no revisions, Chuck Smithwick made the motion to approve, seconded by Jimmy Pridgen, and approved by the Board.

**Officer Elections -** The Officer Nomination Committee (Bert Sherman, Dan Wall, and Tony Hawkins) met in March and discussed possible nominations. The term will be 2 years beginning in May, 2023. Following discussion, the Committee made the following recommendations and motion for the 2023 officers:

Chair – John Kiviniemi, City of Raleigh Vice-Chair – Chuck Smithwick, Contentnea MSD Treasurer – Donald Smith, Town of Cary Secretary - Kenny Stevens, City of Kinston

The floors was opened for nominations by the Board members. Being none, Jimmy Pridgen seconded the motion by the Committee and the officers were approved unanimously by the Board.

**Financials** – *Treasurer's Report* – Donald Smith presented the Treasurer's Report for the period of February, March and April, 2023 to the Board. As of April 30<sup>th</sup>, the LNBA account balance is \$239,407.01 and NRCA account balance is \$333,508.62. Jimmy Pridgen made the motion to approve the report as presented, seconded by Tony Hawkins, and approved by the Boards, respectively.

Consideration of Proposal for the Neuse Watershed Modeling – Haywood presented the Board with a proposal to oversee the Neuse Watershed Modeling by DWR's contractor, RESPEC. The modeling is to develop transport factors for the Neuse River as related to end of point discharges by wastewater facilities on the Neuse River and for use in nonpoint source credit transactions. Haywood noted we are negotiating with Marty on the amount of the contract as we define the scope of work for the modeling oversight. Following discussion by the Board, Jimmy Pridgen made the motion to authorize the Chair to execute the agreement the agreement for the NRCA not to exceed \$30,000, seconded by Dan Wall, and approved by the Board.

Consideration of Proposal to Rebuild the LNBA/NRCA Website – Haywood presented a proposal from River Delta Consulting to rebuild the program of the website. The website was built on Drupal version 7 and will not support the software in the fall of 2023. The updated website will be programmed on the latest version on that Drupal has (10 or 11). The proposed cost to program the website is \$30,000. Haywood noted this is budgeted in the FY 2023-24 budget. Following discussion by the Board, Jimmy Pridgen made the motion to authorize the Chair to execute the agreement (cost shared, half LNBA, half NRCA) with River Delta Consulting, seconded by Richard Hamilton, and approved by the Board.

Quickbooks Software – Haywood reported to the Board that the accounting software used to maintain the associations' financial has revised its way on doing business. The software that has been available for purchase up until 2021. The software is now available for online application so more information will follow in updates.

Contract Updates – Haywood noted that several agreements with Subject Matter Experts are up for renewal. Those are: McLawhorn Law, MFG Consulting (website), and Sauber WQC. Following discussion, Dan Wall made the motion to authorize the Chair to execute the McLawhorn Law agreement, seconded by Kenny Stevens and approved by the NRCA Board members. Jimmy Pridgen made the motion to authorize the Chair to execute the agreement with MFG Consulting, seconded by Kenny Stevens, and approved by both Boards. Jimmy Pridgen made the motion to authorize the Chair to execute the agreement with Sauber Water Quality Consulting, seconded by Kenny Stevens, and approved by both Boards.

### NRCA Updates -

NRCA Annual Nutrient Report – Haywood reported the 2022 annual report has been submitted to DWR. For 2022 the end of pipe total nitrogen average was 2.44 mg/L. Haywood reviewed several reports that reflect the members performance for 2022.

NRCA 2022 Violations/Assessments – Haywood reported that the Town of Clayton exceeded their nitrogen allocation for the year by 1,632 lbs. This is the first violation for Clayton and based on the bylaws, the assessment for this violation is \$10,608.00. Following discussion, Tony Hawkins made the motion to approve the assessment, seconded by Dan Wall, and approved by the NRCA Board.

Haywood noted Craven County leased because they do not own nitrogen allocation. CWS, Inc. leased to be compliant as did Aqua, N.C. This does violate the bylaws leasing to be compliant.

### LNBA Updates -

Work continues on the Lower Neuse River Monitoring Service Contract No. 6 with Waypoint Analytical. All sampling was completed by in February, March and April with the exceptions listed below:

### February:

All samples collected per MOA requirements with the following exception:

02/13/23 (J4690000-Middle Creek at Holly Springs Rd. nr Holly Springs): unable to collect due to bridge construction. Final results have been submitted for samples collected in February.

### March:

All samples collected per MOA requirements with the following exception:

03/06/23 (J4690000-Middle Creek at Holly Springs Rd. nr Holly Springs): unable to collect due to bridge construction.

Many of the Conductivity, pH and Dissolved Oxygen data points will be qualified due to some missing documentation from a former employee. Results for samples collected in March are in final data review

### April:

All samples collected per MOA requirements with the following exception:

04/12/23 (J4690000-Middle Creek at Holly Springs Rd. nr Holly Springs): unable to collect due to bridge construction.

Analysis of these samples is ongoing. All invoices have been processed and paid through March, 2023.

**LNBA Annual Report** – Haywood noted the annual report has been submitted to DWR as required by the MOA. Total nitrogen graphs for 2022 were included (for 2022 by station and a graph summing the average total nitrogen concentration from 2003 to 2022.

The next meeting is scheduled for September 7, 2023 at 10:00 host will be determined. With no further business, the meeting was adjourned.

# Lower Neuse Basin Association, Inc. / Neuse River Compliance Association, Inc. Treasurer's Report

	ileasulei s r	report		
				9/4/2023
<u>LNBA</u>				
Balance For	ward: (checking per bank statement - 4/30/2023)	Checking	\$	66,130.88
		Savings		173,276.13
		O		,
Debits:	Environment I, Inc. (LNBA, Invoices)		\$	32,453.20
	Environment I, Inc. (Raleigh, Invoices)			6,014.64
	City of Kinston			818.40
	MFG Consulting, LLC			540.00
	PCi (Invoices)			6,467.47
			<del></del>	
	Total Debits		\$	46,293.71
Credits:	Interest (checking)		\$	47.73
	Interest (savings)			1,583.22
	Membership Dues			158,999.57
	Welliadising Buds			230,333.37
Checking Ac	count Balance (per bank statement -8/31/2023)		\$	178,884.47
<b>3</b>	, , , , , , , , , , , , , , , , , , , ,		•	174,859.35
	Total LNBA Account Balance		\$	353,743.82
			<u></u>	
NRCA				
<b>Balance For</b>	ward: (per bank statement -4/30/2023)	Checking	\$	53,315.75
		Savings	-	280,192.87
		O		,
Debits:	PCi (Invoices)		\$	9,703.00
	Sauber Water Quality Consulting		\$ \$	1,540.00
	MFG Consulting, LLC		т	180.00
	City of Raleigh (Workshop lunch)			1,270.90
	McLawhorn Law Office			2,550.00
			\$	<del>.</del>
	Total:		Ş	15,243.90
Credits:	Transfer from Checking to Savings Acc't		\$	_
G. G	Interest (Savings)		Ψ	1,840.63
	Interest (Checking)			33.80
	Membership Dues			73,697.62
	Membership Dues			73,037.02
Account Bal	ance (per bank statement - 8/31/2023)	Checking	\$	111,803.27
		Savings	т	282,033.50
	Total NRCA Account Balance		\$	393,836.77
	Total WINCA Account Dalance		٠	333,030.77

# Lower Neuse Basin Association, Inc. / Neuse River Compliance Association, Inc. Treasurer's Report

	ileasulei s n	eport		
LNDA				5/2/2023
<u>LNBA</u>				
Balance For	ward: (checking per bank statement - 1/31/2023)	Checking	\$	100,245.75
		Savings		172,517.29
Debits:	Environment I, Inc. (LNBA, Invoices)		\$	24,339.90
	Environment I, Inc. (Raleigh, Invoices)			4,510.98
	MFG Consulting, LLC			405.60
	PCi (Invoices)			4,889.42
	Total Debits		\$	34,145.90
Credits:	Interest (checking)		\$	31.03
	Interest (savings)			758.84
Checking A	ccount Balance (per bank statement -4/30/2023)		\$	66,130.88
				173,276.13
	Total LNBA Account Balance		\$	239,407.01
NRCA				
Balance For	ward: (per bank statement -1/31/2023)	Checking	\$	62,612.28
		Savings		278,965.82
Debits:	PCi (Invoices)		\$ \$	8,408.00
	Sauber Water Quality Consulting		\$	280.00
	MFG Consulting, LLC			180.00
	McLawhorn Law Office			450.00
	Total:		\$	9,318.00
Credits:	Transfer from Checking to Savings Acc't		\$	-
	Interest (Savings)			1,227.05
	Interest (Checking)			21.47
Account Ba	lance (per bank statement - 4/30/2023)	Checking	\$	53,315.75
		Savings		280,192.87
	Total NRCA Account Balance		\$	333,508.62

# NEUSE RIVER COMPLIANCE ASSOCIATION

# Draft Total Nitrogen Mid Year Report (July 1, 2022 thru June 30, 2023) for 2023

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September 4, 2023

NPDFS Permit #: NCC00001	10000		END	END OF PIPE					ESTUARY		
	NPDES	Permit	2022-23	Member TN	Member TN		Annual	Member	Adjusted TN	2023 TN	% of
FACILITY	Permit	Flow	Avg. Flow	Allocation	Discharge	Transport	Lease	Estuary	Allocation 2021	Delivery	Estuary
	#	(MGD)	(MGD)	(Lbs/Yr.)	(Lbs/Yr.)	Zone	Amount	Allocation	(Lbs/Yr.)	(Lbs/Yr.)	Allocation
City of Durham	NC0023841	20.000	9.146	92,655	27,777	10%	0	6,767	0	5,778	59
Town of Hillsborough	NC0026433	3.000	1.100	10,422	6,000	10%	0	1,042	0	009	28
SGWASA	NC0026824	5.500	1.513	22,420	11,072	10%	0	5,860	0	1,107	19
Town of Apex	NC0064050	3.600	1.261	40,547	17,572	20%	0	20,274	0	8,786	43
Town of Benson	NC0020389	1.900	1.003	33,070	11,167	20%	0	16,535	0	5,583	34
Town of Cary ~ North	NC0048879	12.000	960.9	143,246	32,218	20%	0	71,623	0	16,109	22
Town of Cary ~ South	NC0065102	12.800	5.103	180,211	24,064	20%	0	90,105	0	12,032	13
City of Raleigh ~ Smith Creek	NC0030759	3.000	2.330	70,814	34,167	20%	0	35,407	0	17,084	48
City of Raleigh ~ Neuse	NC0029033	75.000	47.264	687,373	329,579	20%	0	341,242	0	164,789	57
Raleigh ~ Ground Water	NA	NA	۸ A	NA	58,908	20%	4	NA		29,454	
City of Raleigh ~ Little Creek	NC0079316	2.200	0.904	26,660	6,564	20%	0	13,330	0	3,282	25
Town of Clayton	NC0025453	2.500	1.633	22,832	27,122	20%	0	11,416	0	13,561	119
Neuse Colony, (Aqua NC)	NC0064564	0.350	0.238	8,447	7,498	20%	0	4,224	0	3,749	88
Johnston County	NC0030716	9.500	4.890	71,476	30,962	20%	0	35,738	0	15,481	43
Town of Kenly	NC0064891	0.630	0.370	2,096	5,782	20%	0	3,548	0	2,891	81
Town of Farmville	NC0029572	3.500	0.833	42,211	4,168	20%	0	21,106	0	2,084	10
Town of Snow Hill	NC0020842	0.500	0.229	5,632	2,747	20%	0	2,747	0	1,373	20
City of Wilson	NC0023906	14.000	7.946	157,886	49,508	20%	0	78,943	0	24,754	31
Duke Energy ~ H F Lee Plant	NC0003417	NA	0.038	3,260	96	%02	0	2,282	0	29	3
City of Goldsboro	NC0023949	14.200	7.763	199,822	50,212	%02	0	139,876	0	35,148	25
Town of LaGrange	NC0021644	0.750	0.271	8.447	3.383	70%	C	5.913	0	2.368	40
City of Kinston (Regional)	NC0024236	11.850	3.554	126,711	23,656	%02	0	88,697	0	16,559	19
Contentnea MSD	NC0032077	3.500	1.576	37,100	8,652	%02	0	25,970	0	6,056	23
CovationBio, Inc.	NC0003760	3.600	0.197	25,493	2,036	%02	0	17,845	0	1,425	8
City of New Bern	NC0025348	6.500	3.659	64,210	49,513	100%	0	64,210	0	49,513	77
MCAS Cherry Point	NC0003816	3.500	1.128	39,421	20,273	100%	0	39,421	0	20,273	51
City of Havelock	NC0021253	2.250	1.218	21,400	13,763	100%	0	21,400	0	13,763	64
Craven County	NC0089460	0.860	0.824	Υ Υ	3,426	100%	0	0	0	3,426	100+
CWS Systems, Inc.	NC0033111	0.600	0.346	11,263	13,374	100%	0	11,263	0	13,374	119
		217.590	112.436		905,257			1,177,502		490,470	

This Compliance Report has been complied 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
IOTES: 1. Average Total Nitrogen Concentration End of Pipe by NRCA Members during 2023 (midyear):	2.52	MG/L	
Average Total Nitrogen Concentration with ground water contribution in 2023 (midyear):	2.71	MG/L	

### NRCA Bylaws - Section 6, Compliance with Total Nitrogen Allocation or Limit

- a.) Compliance shall be based on estuary total nitrogen delivery to the estuary.
- b.) Addresses NRCA failure to comply with Association TN Allocation.
- c.) Payment offset required for failing to meeting TN allocation.
- d.) The NRCA may consider adopting uniform TN concentrations limits or TN allocations.
- e.) A co-permittee member may be removed by the Board for excessive violations.
- f.) Any member that leases to nitrogen to comply with its nitrogen allocation will not be subject to the assessment policy but may be subject to subsection (e) for excessive violations.

**Discussion:** The Board has the authority to adopt rules to require concentration based limits or allocation based limits. In 2018 the Board reviewed several projections as to when the Association shall reach its total permitted allocation and face violations. Those projections indicated that could occur as early as 2038.

### **Options for consideration:**

- \* Enforce the bylaws as written today.
- \* Revise the bylaws to be more definitive as to what non-compliance is not acceptable including:
  - 1. Total nitrogen concentration standard (such as 5.0, 6.0, 7.0 mg/L) until facility approaches a percentage of allocation used.
  - 2. Any expansion will have to meet the DWR rules of 3.5 mg/L with NPDES permit approval.
  - 3. Designated period of time to comply with designated TN concentration including construction and operational.
  - 4. Amend the rules to eliminate leasing clause and require each member to be assessed for exceeding their allocation.

### Lower Neuse Basin Association ®

TO: Board Members

FROM: Haywood Phthisic, Executive Director

**SUBJECT:** Sampling/Monitoring Report for September 7, 2023 Board Meeting

DATE: September 5, 2023

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:

6/6/23 - 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:

7/7/23 - 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:

8/9/23 - 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.