

AGENDA

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

**September 1, 2022
City of Wilson, N. C.
10:00 a.m.**

- **Welcome, Roll Call, and Introduction of Guests**
 - **Approval of Minutes for May 5, 2022 (AI) -**
 - **LNBA/NRCA Financials –**
 - * **May, June, & July, 2022 Treasurer’s Reports (AI) –**
 - * **Website update -**
 - **Officer Elections for the Period of September 1, 2022 until May 4, 2023 -**
 - **NRCA Updates -**
 - * **Meeting with DWR Director -**
 - * **Swamp Water Designation/Issue -**
 - * **DWR Watershed RFP -**
 - * **Siler City Draft Permit -**
 - * **NPDES Permit Fees -**
 - * **Poultry Article -**
 - **LNBA Updates -**
 - * **Sampling Report – May, June, July, and August –**
 - **LNBA/NRCA Training Program Summary -**
 - **Review of LNBA/NRCA -**
 - **Member Reports -**
 - **Next Meeting and Adjourn – Location/Date: To Be Determined – November 3, 2022**
- Action Items (AI)**

**Lower Neuse Basin Association®/Neuse River Compliance Association®
May 5, 2022 Meeting Minutes
Town of Clayton, N. C.**

Attending:

Barry Parks (Chair)	City of Wilson	John Kiviniemi (V-Chair)	Raleigh Water
Donald Smith (Treas)	Town of Cary	Chuck Smithwick (Sec)	Contentnea MSD
Dan McLawhorn	McLawhorn Law	David Hardin	Town of Apex
Benjamin Overton	City of Goldsboro	Reginald Hicks	City of Durham
Jimmy Pridgen	City of Wilson	Robert Sherman	City of Goldsboro
Kenny Stevens	City of Kinston	Kathy Cooper	City of Raleigh (call in)
Tony Hawkins	City of New Bern	Phillip Smith	Town of Kenly
Lori Avent	Town of Apex	Larry Durgin	Town of Apex
Dan Wall	Johnston County	Bill Simpson	Town of Clayton
Jeff Mahagan	Town of Hillsborough	Adam Stephenson	Town of Fuquay-Varina
David Huffman	NC DWR	Steve Tedder	Tedder Farm Consulting
T. J. Lynch	Hazen & Sawyer	Jay Sauber	Sauber Water Quality
Martin Lebo	WSP	Brian Levitt	Town of Benson (call in)
Haywood Phthisic	LNBA/NRCA		

The Chair, Barry Parks, called the meeting to order and welcomed everyone. The roll was called and there were 13 of 19 members present representing the LNBA and 13 of 25 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 3, 2022 meeting were presented. Being no revisions, Dan Wall made the motion to approve, seconded by Kenny Stevens, and approved by the Board.

Financials – *Treasurer's Report* – Donald Smith presented the Treasurer's Reports, February, March, and April, 2022 were presented to the Board. As of April 30th, the LNBA account balance was \$219,657.92 and NRCA account balance was \$303,240.90. Donald made the motion to approve the reports as presented, seconded by Dan Wall, and approved by the Boards, respectively.

FY 2021-22 Year to Date Expenditures – Donald presented the current year to date expenditures for the Boards' review. The LNBA has currently expended 61% of the approved budget and the NRCA has currently expended 48% of its approved budget.

Environment I Proposal for Contract Renewal – Haywood presented the proposed agreement with Environment I for renewal of the sampling contract. The renewal will be for 5 years (January 1, 2023 to December 31, 2027). The proposed monthly increase will be \$459.24 or an annual increase of \$5,510.88 or approximately 5.9%. The Raleigh sampling that is part of this agreement will be \$85.11 per month or \$1,021.32 on an annual basis (Raleigh pays an annual assessment to the LNBA for this work). Haywood recommends approval of this proposal. Following discussion, John Kiviniemi made the motion to approve and authorized the Chair to execute the contract, seconded by Dan Wall, and approved by the LNBA Board.

Request for Modmon Program Funding for the Current Fiscal Year – Haywood presented a request from

Hans Pearl to fund the Modmon Program for FY 2021-22 in the amount of \$5,000. The NRCA Board approved this funding in the FY 2021-22 budget but have not authorized payment. In conversation with Hans and the NRCA Executive Committee the time has come for the NRCA discontinued this funding. The Modmon program has received funding through the State budget. Following discussion, Reggie Hicks made the motion to approve funding for the current year, seconded by Bert Sherman, and approved by the NRCA Board.

LNBA/NRCA Website Update – Haywood reported the software platform that the website was built is approaching the end of its support life (in the next year). The software, Drupal, will no longer support the version of software currently in use. Haywood noted he will be meeting with the webmaster and more information will be forth coming.

NRCA Updates –

2021 Annual Report – Haywood presented the NRCA annual report noting the end of pipe average total nitrogen concentration for 2021 was 2.5 mg/L. The total nitrogen delivery to the Neuse Estuary was 564,859 lbs. or 46% of the NRCA permitted nitrogen pounds. Haywood also presented a running summary on the end of pipe average total nitrogen discharged (2006 thru 2021).

Swamp Water Designations – Haywood reported to the Board an issue has developed over the request for speculative limits (those discharging to swamp water). The response from the Division has been no expansions. Haywood pointed out that 13 of the LNBA's sampling sites are designated as swamp waters.

DWR Watershed RFP Update – Haywood provided a brief update updated to the Boards that little or no progress has been made at this time.

Siler City Draft Permit – Haywood reviewed/discussed the draft permit for the Town of Siler City that comments were due May 2nd. Jay Sauber, Dan McLawhorn, and Haywood assisted in developing draft comments for the Executive Committee's consideration. Essentially the draft permit limits were based on a dated model, do not consider upstream improvements with stream flow considerations, and the organic nitrogen limit was proposed to protect dissolved oxygen in the receiving stream (BOD₅ analysis takes these conditions in consideration). Dan noted that the draft permit failed to specify that this was a site specific condition.

LNBA Updates –

LNBA Sampling Report - Work continues on the Lower Neuse River Monitoring Service Contract No. 5 with Environment 1. All sampling was completed by Environment 1 in February, March, and April, 2022. Data sets have been received through February, 2022 (and posted on website). March sampling results are in data review. All invoices through March, 2022 have been processed and paid.

All samples were collected and analyzed per the Memorandum of Agreement (MOA) requirements in April, 2022. Laboratory analysis is on this data is ongoing at this time.

LNBA Annual Report – Haywood reported the LNBA annual report had been submitted. Graphs for the 2021 year (by sampling site) and a summary of average total nitrogen from 2003 thru 2021 were presented. Dissolved organic nitrogen remains significantly higher, on average, than nitrate-nitrite in the basin.

Draft 303(d) Listing and Integrated Report – Jay Sauber reviewed the comments that were received from DWR (on the comments submitted by the LNBA from draft 2022 303(d) list and integrated report). The draft document has already been submitted to EPA Region IV and received their approval.

LNBA/NRCA Operator Training Program – Haywood reported that registration will begin in early June for the 2022 Operator Training Workshop to be held on August 2nd in Raleigh and August 4th in Kinston. Haywood noted the plan is to move forward with a face to face workshop at this time.

The next meeting is scheduled for September 1, 2022 at 10:00 with location TBD. With no further business, the meeting was adjourned.

DRAFT

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

Treasurer's Report

8/9/2022

LNBA

Balance Forward: (checking per bank statement - 4/30/2022)	Checking	\$	68,468.93
	Savings		151,188.99
Debits:		\$	
Environment I, Inc. (LNBA, Invoices)			22,962.18
Environment I, Inc. (Raleigh, Invoices)			4,255.65
Sauber Water Quality Consulting (Invoice)			1,540.00
MFG Consulting LLC (Invoices)			-
PCi (Invoices)			4,261.32
			<hr/>
Total Debits		\$	33,019.15
Credits:		\$	
Interest (checking)			21.79
Interest (savings)			286.08
FY 2022-23 Membership fees			37,357.80
Checking Account Balance (per bank statement -7/31/2022)		\$	72,829.37
			151,475.07
			<hr/>
Total LNBA Account Balance		\$	224,304.44

NRCA

Balance Forward: (per bank statement -4/30/2022)	Checking	\$	63,406.12
	Savings		239,834.78
Debits:		\$	
PCi (Invoices)			6,391.00
MFG Consulting, LLC			480.00
Modmon Program Grant			5,000.00
Sauber Water Quality Consulting			980.00
McLawnhorn Law Office			2,000.00
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Total:		\$	14,851.00
Credits:		\$	
Transfer from Checking to Savings Acc't			-
Interest (Savings)			453.81
Interest (Checking)			22.08
FY 2022-23 Membership fees			16,960.21
Account Balance (per bank statement - 7/31/2022)	Checking	\$	65,537.41
	Savings		240,288.59
			<hr/>
Total NRCA Account Balance		\$	305,826.00

DEQ STUDY OF THE EXPRESS PERMIT AND CERTIFICATION REVIEW PROGRAM AND THE FAST-TRACK STORMWATER PERMITTING PROGRAM House Bill 219-Ratified Page 3 SECTION 6. The Department of Environmental Quality shall study approaches to expedite permit issuance under the following programs: (i) the express permit and certification review program established pursuant to G.S. 143B-279.13 and (ii) the fast-track permitting for the stormwater management systems program established pursuant to G.S. 143-214.7B and 15A NCAC 02H .1043 and .1044. The Department shall report its findings, including any recommendations for legislative action to improve permitting efficiencies under the programs, to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources no later than December 31, 2022.

AUTHORIZE DEQ TO ALLOW LIMITED WASTEWATER DISCHARGE TO WATERS WITH NATURALLY OCCURRING LOW DISSOLVED OXYGEN LEVELS SECTION 7.(a) G.S. 143-215.1 is amended by adding a new subsection to read: "(c7) For surface waters of the State that have naturally occurring low dissolved oxygen levels, as determined by the Department, permitted wastewater discharges to such surface waters shall not cause a reduction in the dissolved oxygen levels of such surface waters of more than 0.10 mg/l below the approved modeled in-stream dissolved oxygen level for the surface waters at total permitted capacity for all discharges to such surface waters." SECTION 7.(b) This section is effective when it becomes law. G.S. 143-215.1(c7), as enacted by subsection (a) of this section, applies only to permits for a new or expanded wastewater discharge facility issued on or after that date. MINING PERMIT NOTICE AND APPEAL CHANGE