

UNRBA Board of Directors May 18, 2011 Meeting Summary

Summary prepared May 21, 2011

UNRBA mission: To preserve and protect the water quality in the Upper Neuse River Basin through innovative, cost effective, and environmentally sound strategies and to create a coalition of local governments and stakeholders in a water resources partnership.

The next UNRBA Board meeting will be 10 a.m., Thursday, August 4, 2011 at Triangle J Council of Governments (rescheduled from July 20 due to conflicts).

The Board of Directors of the Upper Neuse River Basin Association (UNRBA) held its fifth meeting of FY11 at 10:00 A.M. on Wednesday, May 18, 2011 at Triangle J Council of Governments in Research Triangle Park, NC.

Meeting attendees are listed below (* denotes member representative to the Board).

| Name | Affiliation |
|---------------------|--|
| Bill McKellar* | Town of Butner |
| Jimmy Minor* | City of Creedmoor |
| Cora Cole-McFadden* | City of Durham |
| | Durham County |
| | Franklin County |
| Edgar Smoak* | Granville County |
| Mike Gering* | Town of Hillsborough |
| Pam Hemminger* | Orange County |
| Jimmy Clayton* | Person County |
| Lindsay Mize* | South Granville Water and Sewer Authority |
| Kenneth Waldroup* | City of Raleigh |
| | Upper Neuse Soil & Water Conservation Districts |
| | Town of Stem |
| | Wake County |
| | Town of Wake Forest |
| Melissa Hodges | Town of Butner Planning Department |
| Randy Cahoon | City of Creedmoor Planning Department |
| Rick Flowe | City of Creedmoor Planning Department |
| Michelle Woolfolk | City of Durham Stormwater Services |
| Reginald Hicks | City of Durham, Water Management |
| Drew Cummings | Durham County Manager's Office |
| Tom Davis | Orange County Environment & Resource Conservation |
| Harold Kelly | Person County Environmental Health |
| Dan McLawhorn | City of Raleigh Attorney's Office |
| Casey Vermeulen | City of Raleigh Attorney's Office (intern) |
| Edward Buchan | City of Raleigh Public Utilities |
| Britt Stoddard | Wake County Environmental Services |
| Jim Wrenn | Attorney, various Upper Basin UNRBA members |
| Mike Schlegel | Triangle J Council of Governments, Water Resources |
| Haywood Phthisic | Lower Neuse Basin Assn/Neuse River Compliance Assn |
| Kathy Stecker | NC Division of Water Quality |
| John Huisman | NC Division of Water Quality |
| Sarah Bruce (clerk) | Upper Neuse River Basin Association |

Introductions, Welcome, and Agenda

Chair Pam Hemminger called the meeting to order. Participants introduced themselves, gave their affiliation, and mentioned something they were working on locally relevant to regional or water issues.

Sarah Bruce went over the agenda:

- Housekeeping, Updates & Announcements
- UNRBA FY12 Budget and Dues (decision item)
- John Huisman presentation on Falls Rules implementation
- Michelle Woolfolk presentation on Contract for The Path Forward (decision item)

Housekeeping, Updates & Announcements

Sarah reported that the UNRBA Policy & Advisory Special Committee and RFP & Relook Subcommittee had nominated chairs and vice chairs.

Mr. Mize moved to elect Pam Hemminger as chair and Jim Wrenn as vice-chair of the UNRBA Policy & Advisory Special Committee. Since Ms. Hemminger is chair of the Board, Jim Wrenn will provide reports to the Board of Directors. Ms. Cole-McFadden seconded the motion. Mr. Clayton called the motion and passed unanimously.

Mr. Gering moved to elect Michelle Woolfolk as chair and Mr. Mize as vice-chair of the RFP & Relook Subcommittee. Mr. Waldroup seconded the motion and it passed unanimously.

Sarah announced that she was organizing a meeting of the UNRBA Technical Advisory Committee to present a case study of the Falls/Jordan Load Accounting Tool vs the Upper Neuse Site Evaluation Tool and to discuss grandfathering and implementation of the new development rule. The meeting time will be announced shortly.

Sarah announced that the July Board meeting would be rescheduled due to conflicts [time has been set for 10 am, August 4 at TJCOG].

UNRBA Budget and Dues

Ms. Cole-McFadden moved to approve the budget and dues as presented. Mr. Mize seconded the motion, and Chair Hemminger called roll on votes. The motion passed unanimously among UNRBA members represented by Board members or alternates at the meeting.

John Huisman Presentation on Falls Rules Implementation

John Huisman provided an overview of the Falls Rules and gave a handout (posted on the UNRBA website) summarizing requirements for new and existing development. Most immediately, local governments' draft new development programs are due to DWQ by August 15, 2011. After EMC approves the programs in early 2012, local governments must have adopted all the new development components by July 2012.

John explained that any development approved before the new development rules are in place will be considered “existing” development, and the local government will be responsible for the loadings from those sites.

Regarding the Existing Development Rule, John said that a Nutrient Scientific Advisory Board had been created under the Jordan Rules to work on methodologies for implementing the Existing Development rule. A participant asked who the members of the Nutrient Scientific Advisory Board were.

[The participants are:

- Local Government Representative: City of Durham – John Cox
- Local Government Representative: City of Chapel Hill – Trish D’Arconte
- Local Government Representative: City of Burlington – Michael Layne
- Local Government Representative: City of Greensboro – David Phlegar
- Local Government Representative: Chatham County – Fred Royal
- Local Government Representative: Town of Cary – Matt Flynn
- Professional or Academic Representative: UNC – Lawrence Band
- Professional Engineer: NCSU Dept Biological Engineering – Bill Hunt
- NC Dept of Transportation Representative: NC DOT – Matt Lauffer
- Conservation Organization Representative: NC Conservation Network – Grady McCallie]

Ironically, the Falls implementation timelines are generally sooner.

Falls local governments must submit their characterizations of existing development load reduction potential in January 2013 and submit the Stage I programs for approval in January 2014. Local governments’ Stage II programs are due to DWQ in 2021.

Participants asked John several clarifying questions that were then discussed. If the new development ordinance is adopted early before the EMC has approved the local governments’ program, changes might be necessary based on the approval process. Similarly, a local government may discover additional projects that would affect its Existing Development load reduction program. DWQ may seek authority to approve such changes to expedite such processes. Mr. Waldroup mentioned that [SB 425](#) would restrict local governments’ access to the Ecosystem Enhancement Program, which would limit nutrient credits available for buydowns. Ideally, there would be a competitive situation among mitigation banks.

Dan McLawhorn suggested having their consultant present to the UNRBA on how Raleigh is handling their existing development calculations.

John emphasized that the [Falls Model New Development Program](#) is intended to establish compliance minima, not the method of compliance. The model program includes the model ordinance as well as guidelines for implementation, reporting requirements, and appendices with useful documents.

Michelle Woolfolk on Contract for The Path Forward

Michelle Woolfolk reviewed the draft Request for Proposals to implement Step 1 of The Path Forward. Every major task includes a meeting with the Division of Water Quality as a deliverable. Sarah would manage the project with involvement from the RFP & Relook Subcommittee.

Task 1 of the project would develop a framework that addresses the technical, legal/regulatory, and political needs to successfully accomplish a re-examination of Stage II of the Falls Lake Rules. The consultant would develop a suite of options for UNRBA’s consideration and provide recommendations.

Task 2 would review existing data and reports to summarize knowledge of Falls Lake and the Falls Lake watershed to make sense of the available data, identify data gaps, and examine collection and analysis methods.

Task 3 would review methods for delivered and jurisdictional nutrient loads for tributaries with sufficient monitoring data. Task 3 would develop methodologies for calculations for Stage II as well as, optionally (task 3B), Stage I. An additional option is that the consultant may calculate the actual baseline jurisdictional loads.

Task 4 would provide recommendations for future monitoring and modeling. Task 5 is to generate a final report that will finalize all the draft technical memoranda into a single deliverable.

Michelle then discussed and presented an ambitious schedule for reviewing proposals. The RFP will be issued on July 11, a conference call for questions to be answered will be held on August 3, and proposals will be due on August 10. Candidates will be selected for interviews by August 22 and will be given the opportunity to present on August 30-31 (two afternoons). The Board will select the consultant at their Sep. 21, 2011 meeting.

The Board requested that local government post it on their websites in addition to email notifications and the UNRBA websites. [Please let Sarah know if it is posted locally and cc her on emails so she can keep track of where it was advertised.]

Ms. Cole-McFadden moved to have the RFP & Relook Subcommittee review the proposals to create the short list. Mr. Clayton seconded the motion, which passed unanimously. Further discussion clarified that additional members are welcome to join that committee.

Mr. McKellar moved to go forward with the RFP process. Ms. Cole-McFadden seconded the motion, which passed unanimously.