

Upper Neuse River Basin Association (UNRBA) Board of Directors (BOD) Meeting Agenda
September 16, 2020, 9:30 AM to Noon
[Remote Access Only \(see last page for instructions\)](#)

Materials related to this BOD Meeting have been placed on the UNRBA website unless noted otherwise on the [Meeting page](#). See items under the September 16, 2020 meeting date. A direct link to the meeting presentation is provided [here](#).

I. Opening—Sig Hutchinson, Chair

- A. Introductions and Announcements
- B. Roll Call for Quorum
- C. Identification of any Conflicts
- D. Review and approval of agenda

II. Action Items

- A. Approval of June 17, 2020 Meeting Minutes (approved Minutes at [June 17, 2020 approved Minutes](#))
- B. Approval of the [Treasurer's Report](#)
- C. Authorization to pay Barnes & Thornburg for additional work performed in FY2020

Item Summary (Forrest Westall): The total outstanding invoice amount for Barnes & Thornburg associated with work performed in FY2020 is \$5,427.92. There is a balance of \$702.98 in the first engagement letter scope of work. Invoices for work performed by Barnes & Thornburg in FY2020 exceed the budget amount of \$50,000 by \$4,722.94. Additional work was required to complete additional revisions to the work products. Barnes & Thornburg performed this additional work in good faith. The Executive Director requests authorization to pay Barnes & Thornburg for the additional work performed in FY2020 out of the unallocated balance in the legal fund.

- D. **Review of the Stage I Existing Development Interim Alternative Implementation Approach (IAIA) Program Development Schedule:**

Item Summary (Forrest Westall): On January 15, 2020 the UNRBA Board of Directors approved the IAIA Program Description as a guidance document and authorized the Executive Director to discuss implementation pathways with DWR and others. Following consultation and meetings with DWR and an NGO representative, DWR has agreed to include the alternative approach into the **Falls Lake Model Program** being updated by DWR. DWR has developed, with input from the UNRBA, draft language to insert into a revised DWR Modeling Program to allow for the IAIA. The draft language was distributed to the PFC on April 22nd, discussed during the May 5th meeting, and been revised in response to PFC comments. DWR has finalized their draft language consistent with the UNRBA comments. Additional comments were received on June 3rd from the PFC and these were also provided to DWR. An updated draft **IAIA Program Document** was provided to the PFC members on May 21st, June 6th, and July 17th following revisions in response to PFC comments. A **Core Principles** document was also distributed on July 17th to guide development of the program administration. The PFC reported on the status of discussions at the local level during the August and September PFC meetings. The Board will vote to authorize their local legal representation to work on the administrative aspects of the Program including a comprehensive Interlocal Agreement. A review of the schedule of activities to continue development of the IAIA Program as well as the status of revisions to the Model Program being developed by DWR will be discussed. A preliminary prospective schedule was developed previously and was provided to the PFC and the Board aimed at IAIA Program

implementation date of July 1, 2021. A status update on IAIA was presented to the Environmental Management Commission's Water Quality Committee on September 9th. Board Directors will be asked to provide input on their jurisdiction's intent to participate.

III. Status Reports and Informational Items

A. Modeling and Regulatory Support (MRS) Status:

Item Summary (Alix Matos): The DWR 319 grant was finalized to fund revisions to the watershed model code for the simulation of onsite wastewater treatment systems; code revisions are underway. The modeling team is developing the water quality model for the watershed to include atmospheric deposition, sanitary sewer overflows, major and minor wastewater treatment plants, nutrient application, and onsite wastewater treatment systems. The Modeling and Regulatory Support Workgroup (MRSW) began discussions of segmenting Falls Lake for the WARMF Lake model during the September MRSW meeting and will continue these discussions in November. The Modeling Team is drafting an interim technical memorandum to describe the watershed modeling and hydrologic performance. This interim draft will be provided to the MRSW in October following responses to comments provided by the Executive Director based on his review in July.

B. Summary of Comments Filed to the Federal Docket on EPA Draft Ambient Water Quality Criteria Recommendations for Lakes and Reservoirs

Item Summary (Jay Sauber): EPA noticed their Draft Ambient Water Quality Criteria Recommendations for Lakes and Reservoirs of the Conterminous United States: Information Supporting the Development of Numeric Nutrient Criteria on May 22, 2020. On June 17, 2020, the Board authorized the Executive Director and subject matter experts to comment on the proposed criteria. UNRBA comments were filed on the Federal Docket and provided to the Board. Many other organizations and state agencies filed comments, and some of these will be briefly summarized during the Board meeting, including comments from NC Division of Water Resources.

C. Update - DWR 2020 Integrated Report and 303(d) Assessments

Item Summary (Jay Sauber): The DWR draft Integrated Water Quality Assessment Report and the 303(d) list for 2020 were previously anticipated for June 2020. This target date has been pushed back to probably October or November 2020 with submittal to EPA perhaps in early 2021.

D. High Rock Lake Recommendations, DWR Nutrient Criteria Development Plan

Item Summary (Jay Sauber): The North Carolina Nutrient Criteria Science Advisory Council (SAC) released its final report, "A Chlorophyll-a Criterion for High Rock Lake," in May 2020. The following will be summarized during the meeting: the recommendations for chlorophyll-a criteria for High Rock Lake, the June 17, 2020 meeting of the SAC, the August 31, 2020 meeting of the Criteria Implementation Committee (CIC), and DWR's plan to begin drafting rule making language and brief the EMC with proposed water quality criteria in early 2021.

E. Plan for Development of a Site-specific Chlorophyll-a Standard

Item Summary (Forrest Westall): The UNRBA legal workgroup discussed the FY2021 scope of work with Barnes and Thornburg to provide legal support to the UNRBA. The primary task for FY2021 is to begin developing a petition for site specific criteria for Falls Lake. The steps associated with developing this plan will be summarized during the meeting.

F. UNC Collaboratory Falls Lake Research Updates

Item Summary (Forrest Westall): The UNC Collaboratory has recently completed Year 1 of studies on Falls Lake. Interim reports have been submitted by the researchers and will be compiled for the December 2020 Interim Report on Falls Lake. The Executive Director and subject matter experts will summarize initial findings as available.

- Dr. Astrid Schnetzer has measured concentrations of algal toxins in Falls Lake. All measurements were well below regulatory thresholds and guidance levels.
- The UNC Environmental Finance Center (EFC) has recently completed the Year 1 Report for their Falls Lake Study. The EFC is currently engaging local governments in the watershed with interviews to understand more about the measures being used to implement nutrient management practices, the costs of those actions, and local funding strategies.

G. Ongoing DEQ Discussions/Issues:

Item Summary (Forrest Westall):

- We continue to plan and schedule a meeting/workshop with DEQ to review the findings of the 2019 Annual Monitoring Report and summarize the model development underway. We have discussed this with DWR and, depending on the ongoing considerations due to COVID- 19, the meeting will be scheduled based on compliance with state requirements for assembly and social distancing.
- The re-examination, 303(d) assessment procedures, need for a site-specific chlorophyll-a criterion(a), NC Numeric Nutrient Criteria Development Plan, the work of the Scientific Advisory Council, and the evaluation by the UNC Collaboratory. As noted, this is connected to the work that continues and will be specifically addressed in our legal support scope of work and the use of our subject matter experts.
- Continue to engage DEQ in the larger technical stakeholder sessions planned and secure input to modeling as it is being developed
- Continue discussions with DEQ on a Memorandum of Agreement that will provide agreed-to guidelines on DEQ's response to the Reexamination submittal.
- As a reminder, presentation support materials are available for review on the [Resource Library page](#). If you use any of these presentation materials, please complete the communication tool use tracking survey: <https://www.surveymonkey.com/r/UNRBA>.

H. Closing Comments—Chair Sig Hutchinson

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- If you dial in through your phone, mute your microphone and turn down your speakers to **avoid feedback**
- Unless you are speaking, please mute your computer/device microphone or phone microphone to **minimize background noise**
- UNRBA meetings are open meetings; however, for this remote access meeting, please **limit the discussion to UNRBA Board Members** to facilitate moving through action items