



# UNRBA Board Meeting June 17, 2020

**Remote Access Only  
(see next slides)**



# Remote Access for UNRBA Board Meetings

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Computers without audio capabilities, or audio that is not working	<a href="#">Join Microsoft Teams Meeting</a> (888) 404-2493 Passcode: 228 349 066# <b>Please mute your phone unless you want to provide input.</b>	Follow instructions above <b>Turn down your computer speakers, mute your computer microphone, and dial the toll-free number through your phone and enter the passcode</b>
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# Remote Access Guidelines

- This meeting will open 30 minutes prior to the official meeting start time to allow users to **test equipment** and ensure communication methods are working
- 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 or device microphone and 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

# June 17, 2020 UNRBA Board Agenda

- Opening—Sig Hutchinson, Chair
- Action Items
  - Approval of May 20, 2020 Meeting Minutes
  - Approval of the Treasurer's Report
  - Approval of the FY2021 Contracts
    - UNRBA Modeling and Regulatory Support and Communications Support Contract
    - Legal support
    - Communications
    - Executive Director Services
  - Authorization for Executive Director to submit comments on EPA draft nutrient criteria for lakes and reservoirs
- Status Reports and Informational Items
  - Review of the Stage I Existing Development Interim Alternative Implementation Approach Program Development Schedule
  - Modeling and Regulatory Support (MRS) Status
  - Ongoing DEQ Discussions/Issues
- Closing Comments

# Opening—Sig Hutchinson

# Opening

- Introductions and announcements
- Roll call for quorum
- Identification of any conflicts
- Review and approval of agenda

# Action Items

**Approval of May 20, 2020  
Meeting Minutes**

6/8/2020

<b>Balance Forward: (per bank statement - 4/30/2020)</b>	Checking	\$	82,403.23
	Savings		809,058.11
<b>Debits:</b>			
McGill Asso. (April 2020 Inv)		\$	13,219.32
Brown & Caldwell (MRS, FY 20, April, 2020 Inv)			63,514.52
Sauber Water Quality Consulting (April 2020 Inv)			840.00
MFG Consulting, LLC (April, 2020 Invs)			75.00
			-
			<u>-</u>
		\$	77,648.84
<b>Credits:</b>			
Interest (checking)		\$	12.71
Interest (savings)			1,105.50
Transfer from Savings to Checking Account			100,000.00
			<u>100,000.00</u>
<b>Account Balance (per bank statement - 5/31/2020)</b>	Checking	\$	104,767.10
	Savings		710,163.61
			<u>710,163.61</u>
<b>Total UNRBA Account Balance :</b>		\$	<u><u>814,930.71</u></u>
<b>Outstanding invoices/deposits in process since the close of bank statement (5/31/2020):</b>			
<b>Debits:</b>			
McGill Asso. (May 2020 Inv)		\$	11,015.45
Brown & Caldwell (MRS, FY 20, May, 2020 Inv)			-
MFG Consulting, LLC (April, 2020 Invs)			350.00
Sauber Water Quality Consulting (May 2020 Inv)			3,780.00
Phthisic Consulting, Inc.			487.20
<b>Credits:</b>			
Transfer from Savings to Checking		\$	-
			<u>-</u>
<b>Current Account Balances:</b>	Checking		89,621.65
	Savings		710,163.61
			<u>710,163.61</u>
<b>Total UNRBA Account Balance :</b>		\$	<u><u>799,785.26</u></u>

# Approval of the Treasurer's Report

# **Approval of UNRBA FY2021 Contracts**

# Communication Approach

- The UNRBA has learned a lot about communications over the past couple of years
- For FY2021, the Communications Team will leverage knowledge and integrate multiple perspectives
  - Executive Director and Subject Matter Experts with input from the PFC and Board prioritize work and provide oversight
  - BC to coordinate the Team; develop a communications strategy for internal stakeholder input, external stakeholder input, and public interactions; maintain and produce communication materials; assist with generation of presentation materials
  - HDR (Amy Shahar) to serve as meeting facilitator and advisor

# Modeling and Regulatory Support (MRS) and Communication Support

- MRS is critical to the re-examination of Stage II of the Falls Lake Nutrient Management Strategy
- Transition monitoring program will end in June 2020
- Project will focus on modeling and regulatory support
- The major project milestones are on schedule
- The revised recommendations for the re-examination are to be completed in 2023
- The total contract budget for FY2021 is \$800,000
  - \$35,000 is from the FY2021 communications budget
  - The Executive Director recommends \$15,000 from the contingency fund to continue efforts on the IAIA
- **The Executive Director recommends approval of the contract**

# HDR Supplementation Communication Support

- Project Manager, Amy Shahar, to stay on the project
  - Provides a useful, non-technical perspective
  - Provides meeting facilitation for stakeholder sessions
  - Provided logistical support for the February 2020 Regulatory Forum
- The Executive Director recommends approval of the \$15,153 contract

# Executive Director Services

- The UNRBA Personnel Committee provided the annual Executive Director Services assessment for 2019 in December.
- That report was provided to the Board at the January Meeting
- The Board adopted the recommendations of the Personnel Committee.
- The contract before the Board today reflects that January action and incorporates the provisions recommended and approved by the Board.
- The contract is presented for consideration of the Board.

# **Authorization for Executive Director to File Comments**

# EPA Federal Register Notice May 22, 2020 Draft Ambient Water Quality Criteria Recommendations for Lakes and Reservoirs of the Conterminous US

- EPA has drafted a new approach for the assessment of eutrophication issues in lakes and reservoirs
- The Executive Director asked Jay Sauber to provide a review of this recommendation and to develop an evaluation that could be used to provide comments on the proposal.
- The Executive Director will coordinate this review with the PFC and provide opportunity for input from the members of the Committee
- The comments are due July 21<sup>st</sup>
- A brief summary will be provided with the Status items
- Following the status update, the Executive Director will request that the Board authorize him to develop appropriate comments and file them on behalf of the UNRBA.

# **Status Reports and Informational Items**

# **Review the Stage I Interim Alternative Implementation Approach (IAIA) Program Development Schedule**

# UNRBA Efforts to Develop an Alternate Approach for Stage I Existing Development

- The UNRBA has been considering this approach since early 2018
- In 2019, efforts increased to work through details
  - 5 meetings of the IAIA Workgroup
  - 9 meetings of the PFC
  - 5 status updates to the Board
  - Several reviews and revisions to the conceptual document, framework, and Program Description
- In 2020, efforts have continued
  - The Board approved the Program Description in January
  - Multiple discussions with DWR to build IAIA into Model Program
  - Legal Workgroup began drafting Interlocal Agreement
  - Began development of the Program Document for inclusion in the Model Program

# Status of the UNRBA Stage I ED IAIA

- The UNRBA Board endorsed a **Program Description** document on January 15, 2020
  - Provides basis for additional discussions on how such a program could be established and implemented
  - Preliminary evaluation that did not represent commitments from members to participate
  - Did not represent a final IAIA Program document.
- **Schedule considerations** - 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

# Language to Allow the IAIA in the Model Program (Being Developed by DWR)

- **Draft language for insertion into the Model Program**
  - Developed by DWR with input from UNRBA and NGOs
  - Distributed to the legal group and PFC in April
  - Revised following input
    - Clarifications/editorial changes
    - Reference to Upper Neuse Compliance Association rather than the UNRBA as administrator (discussed on subsequent slides; name and need for a separate association are under consideration)
  - DWR has finalized their draft language consistent with the UNRBA comments
  - Additional comments from PFC members in early June will also be discussed with DWR

# UNRBA IAIA Program Document

- Based on the Board-endorsed Program Description
  - Provides guidance for the IAIA
  - Includes specific provisions for
    - Financial commitment levels
    - Eligible practices and actions
    - Self-management of compliance with reporting
    - Establishment of reporting components
      - Under development
    - Interlocal Agreement(s)
      - Under development by the Legal Workgroup
    - General guidelines
- A preliminary draft Program Document was provided to the PFC and legal workgroup for review in April
- Updated drafts were provided to the PFC on May 21<sup>st</sup> and June 6<sup>th</sup> follow PFC review and input

# Preliminary Input from the Legal Group on the UNRBA IAIA Program Document

- The UNRBA Bylaws do not allow for IAIA administration
  - A separate compliance association may be needed (e.g., Upper Neuse Compliance Association, UNCA)
  - The name and need for this association are under consideration
- The participating members of the IAIA may be different than the members of the UNRBA
  - May require development of a separate organization with its own bylaws, voting, etc.
  - Meetings could be held jointly with only members of respective group voting
- The Legal Workgroup is working on a draft Interlocal Agreement for review by the PFC
- Input is preliminary and additional discussion is needed

**Discussion by the Board**

## Prospective Development Schedule for UNRBA IAIA Program Implemented under the Falls Lake existing rules. Potential start date of July 1, 2021.



Feb 2020: DWR provides draft language in the Falls Lake Existing Development Model Program to allow an IAIA UNRBA and members review and provide comments.

Mar and Apr 2020:



UNRBA develops draft IAIA Program including investment levels, reporting requirements, etc.

Apr 2020: Meeting with DEQ leadership to discuss IAIA and impacts on other practices like land conservation

May 2020: Internal review of UNRBA IAIA

Develop revised draft for external review; provide status presentation to UNRBA Board

June 2020: DWR reviews UNRBA IAIA Program document

July 2020: DWR provides a revised draft Model Program for UNRBA review



August 2020: UNRBA PFC reviews DWR Model Program and finalizes IAIA Program for Board review



Sep 2020: DWR finalizes draft Model Program

Presentation of IAIA Program to UNRBA Board; DWR/UNRBA information update to EMC WQC



Oct 2020: Local governments brief local councils and decision makers; UNRBA prepare for UNRBA/DWR/NGO presentation to EMC WQ Committee



Nov 2020: UNRBA Board action to submit, or not, to the EMC for approval in January

Present Model Program with IAIA to EMC WQ Committee; DWR information update to full EMC



Jan 2021: Model Program submittal to full EMC for approval



July 2021: Submit and begin implementation of either the IAIA (with signatures of participants) or individual jurisdictions submit their own Local Programs

# **Modeling and Regulatory Support for the Re-examination of Stage II**

# Modeling and Regulatory Support Status

- The Modeling Team is working on documentation of the watershed model development and hydrologic calibration
- Execution of the UNRBA 319 application to support revisions to watershed model code for onsite wastewater treatment systems is near final
- The next Modeling and Regulatory Support Workgroup meeting is scheduled for July 7<sup>th</sup> before the PFC meeting
  - Discuss formats for model output summaries

**EPA Federal Register Notice May 22, 2020  
Draft Ambient Water Quality Criteria  
Recommendations for Lakes and  
Reservoirs of the Conterminous United  
States: Information Supporting the  
Development of Numeric Nutrient Criteria**

# EPA Water Quality Criteria for Lakes and Reservoirs Comments due July 21, 2020

- The criteria are models that yield total nitrogen (N) and total phosphorus (P) concentrations to protect the designated uses of [Aquatic Life, Recreation, and Drinking Water](#).
- These models, based on a 2007 EPA national lake survey, will replace EPA criteria based on the ecoregion/reference condition approach.
- If adopted, this document could potentially influence the UNRBA re-examination process review by EPA and the DWR.

# EPA Water Quality Criteria for Lakes and Reservoirs Comments due July 21, 2020

- Using the 2007 National Lakes Aquatic Resource Survey stressor-response relationships were modeled and EPA established endpoints and risk metrics.
- **Aquatic Life Use (all lakes and reservoirs)**  
The metric applied for all lakes is the relationship between zooplankton and phytoplankton biomass based on the premise that phytoplankton biomass can increase at rates that exceed the capacity of zooplankton to consume the phytoplankton when excess nutrients are available.  
(cold water fish lakes based on deep water oxygen)
- Phytoplankton biomass is derived from chlorophyll-a or direct counts. Zooplankton is typically estimated by counting collected samples. NC, like most states, does not have a zooplankton monitoring program.

# EPA Water Quality Criteria for Lakes and Reservoirs Comments due July 21, 2020

- **For recreational use**

EPA selected the concentration of microcystin associated with adverse effects on children from incidental ingestion of water during recreation. The threshold for the draft risk metric is 8 µg/L.

- **For drinking water use**

EPA selected the concentration of microcystins associated with adverse effects on children resulting from oral exposure to drinking water as 0.3 µg/L. This health advisory concentration applies to finished drinking water but states can evaluate the treatment process and add safety factors to establish ambient concentration criteria.

# EPA Water Quality Criteria for Lakes and Reservoirs Comments due July 21, 2020

Executive Director Recommends that the Board authorize him to submit formal comments on behalf of the UNRBA on the EPA Draft Criteria document for lakes to be included in the Federal Docket.

The draft document provides a site specific pathway for establishing N&P concentration standards for all lakes based on EPA's Nationwide survey and "*reformulated*" nutrient-chlorophyll models to account for variations in N and P rather than in Chlorophyll-a.

This approach is based on EPA's long desire to establish N&P numerical standards rather than observations or measurements on designated use impacts. The document does not distinguish important differences between constructed reservoirs and natural lakes.

# **Update - DWR 2020 Integrated Report and 303(d) assessments**

## **Update: DWR 2020 Water Quality Assessments Integrated Report and 303(d) list**

- 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 late September 2020 or perhaps even later.

# Legal Support

## Legal Support

- The UNRBA has provided funding for legal support on critical issues related to the Reexamination.
- The work planned for FY 2020 and a portion of FY2019 has been completed.
- Fred Andes, with Barnes & Thornburg LLP, is providing this support.
- The Executive Director, in consultation with the Legal Group, has developed priorities for the coming FY and Fred has drafted a Scope of Work currently under review by the Legal Group.
- It is anticipated that the Scope of Work and Engagement Letter will be completed in the next few weeks.
- This information will be brought to the Board following a recommendation by the Legal Group.

# Ongoing DEQ Discussions/Issues

# Ongoing Discussions/Issues

- Scheduling meetings with DWR
  - Review the 2019 Monitoring Program Report
  - Discuss modeling efforts
- 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
- Coordination with the Collaboratory on Falls Lake studies—Meeting Call with Collaboratory
- Continue to engage DEQ in the technical stakeholder sessions and MRSW meetings to secure input to modeling as it is being developed
- Continue discussions with DEQ on the MOA—develop more specific information on submittal requirements under the Re-examination rule provision

# Closing Comments

**Next UNRBA Board Meeting is Scheduled  
for September 16, 2020 at the  
Butner Town Hall from 9:30 AM to Noon**

**The location and access for this meeting  
may be modified at a later date.**