

UNRBA Board Meeting May 21, 2014

Location: Butner Town
Hall

Agenda

Introductions and Announcements

Approval of the March 19, 2014 Meeting Minutes

Administrative Items

- **Appointment of Member Second Alternates**
- **Reminder: Website Includes Information on Meetings at <http://unrba.org/meetings>**
- **Thanks to Jim Wrenn for Assistance with UNRBA Lobbyist Reporting/Registration Process**

Legislative and State Government Update—Sarah Collins, Regulatory Affairs, League of Municipalities

Agenda (Continued)

Ongoing Projects:

Description of Modeling Framework Comments from DWR,

Approval Expected

Release of Technical Memorandums for the Monitoring

Program: Status

Submission of Monitoring Plan to DWR

Monitoring Project Status—Lauren Elmore, Cardno ENTRIX

Nutrient Credits Project Status—Alix Matos

Regulatory Reform—House Bill 74 Process

- o PFC Meeting May 14**

- o Review of State Schedule for Regulatory Review
Process**

FY 2015 Budget: Dues and Fees Reminder

Agenda (Continued)

Additional Information Items and Reports:

PFC Report—Lindsay Mize and Kenny Waldroup

**US Water Alliance: One Water Leadership Summit—
Kenny Waldroup**

Treasurer's Report—Jimmy Clayton

Executive Director's Report

**Next Scheduled Board Meeting June 18, 2014, Butner
Town Hall**

Closing Comments

Introductions and Announcements

Approval of March 19, 2014 Meeting Minutes

- Review of Draft Minutes
- Comments and Corrections
- Board Vote

Administrative Items

- o Appointment of Member Second Alternates**
- o Reminder: Website Includes Information on Meetings at <http://unrba.org/meetings>**
- o Thanks to Jim Wrenn for Assistance with UNRBA Lobbyist Reporting/Registration Process**

Legislative and State
Government Update—Sarah
Collins, Regulatory Affairs,
League of Municipalities

Description of Modeling
Framework Comments from
DWR, Approval Expected

Release of Technical Memorandums for the Monitoring Program: Status

Submission of Monitoring Plan to DWR

UNRBA Monitoring Project

Update —

Lauren Elmore, Cardno

ENTRIX

Nutrient Credits Project Status—Alix Matos

Regulatory Reform—House Bill 74 Process

- o PFC Meeting May 14
- o Review of State Schedule for Regulatory Review Process

SL 2013-413

- The Department is required to evaluate each of the existing rules and make an initial determination from one of these three classifications:
 - Necessary **with** substantive public interest
 - Necessary **without** substantive public interest
 - Unnecessary
- Review Process Follows 3 Steps

Review Process

- 3 Step Process
 - Step 1 Agency determination
 - Initial determination and public comment period
 - Step 2 Rules Review Commission(RRC) review
 - Reviews agency's report and makes final determination
 - Step 3 Administrative Procedure Oversight (APO) Committee consultation
 - Opportunity to review final determination before it becomes effective

Step 1-Agency's Determination

- Initial Determination
 - Necessary **with** substantive public interest
 - Received public comments within past 2 years
 - Affects property interest of regulated public
 - Agency knows or suspects of objection to the rule
 - Necessary **without** substantive public interest
 - No public comment within past 2 years
 - Includes rules that just identifies information (address, phone number)
 - Unnecessary
 - Obsolete, redundant or otherwise not needed

Step 1 Continued

- Public Comment
 - For at least 60 days
 - Comments on determination and rules
 - Comments submitted on the web
- Agency reviews and responds
- Agency submits report to RRC
 - Initial determination
 - All comments received
 - Response to comments

Steps 2 and 3

- Step 2 RRC review
 - Reviews report and public comments to determine if rule has been classified correctly
 - Submits final determination report to APO Committee
- Step 3 APO consultation
 - Final determination does not become effective until APO consultation
 - Have 60 days to review

So what does this mean?

- Unnecessary
 - Rule will expire and be removed from code
- Necessary **without** substantive public interest
 - Rule will remain in effect without further action
- Necessary **with** substantive public interest
 - Rule shall be readopted as if it was new in accordance with APA

15A NCAC 02B, 02H, 02T & 02U

Rule Citation	Rule Title	Proposed Initial Determination
15A NCAC 02B	Surface Water and Wetland Standards	Necessary with substantive public interest
15A NCAC 02H	Procedures for Permits: Approvals	Necessary with substantive public interest
15A NCAC 02T	Waste Not Discharged to Surface Waters	Necessary with substantive public interest
15A NCAC 02U	Reclaimed Water	Necessary with substantive public interest

15A NCAC 02B, 02H, 02T & 02U

- An initial determination of “necessary with substantive public interest” is proposed for these 375 rules which cover the majority of the EMC’s water quality programs.
- Results of the initial determination on its Web site
 - Public to invited to comment on the rules and the agency's initial determination.
 - Comment period ends May 21, 2014
 - Website: www.ncwater.org/rules-review/

Schedule Recap

- EMC Initial Determination – March 13, 2014
- Public Comment Period- March 17 – May 21, 2014
- Status Update to WQC- July 2014
- Final Approval from EMC- September 2014
- Report Due to RRC- October 2014
- Final Determination Effective- End of 2014
- Formal rule re-adoption process – 2015
 - Re-adoption process to include public comment period

Falls Lake Rules

- .0275 Purpose and Scope (Goals)
- .0276 Definitions
- .0277 Stormwater – New Development
- .0278 Stormwater – Existing Development
- .0279 Wastewater Discharges
- .0280 Agriculture
- .0281 Stormwater State & Federal Entities
- .0282 Trading

Purpose & Scope

- Framework for Set of Rules
 - Adaptive Management & Staged Implementation
 - Ongoing monitoring
 - EMC updated every 5 yrs including 2025 report
- Stage I (2011- 2021)
 - Initial reductions watershed wide
 - Achieve standards in lower lake
- Stage II (2021 – 2036)
 - Additional reduction in upper watershed
 - Reduction objectives: 40% TN 77% TP
 - Achieve standards throughout lake by 2041

Stormwater, New Development

- Post-construction runoff meet N & P rate targets
 - 2.2 lbs/ac/yr TN .33 lbs/ac/yr TP
 - Local governments implement
- Land disturbance thresholds
 - ½ acre residential
 - 12,000 sq/ft commercial
- Onsite treatment criteria
 - 30% of N&P onsite: <1 acre
 - 50% of N&P onsite: >1 acre
 - 30% of N&P onsite: Downtown Redevelopment

Stormwater, Existing Development

- All LGs implement load reducing activities on existing developed land
 - Stage I (Back to Baseline)
 - Stage II (% Goals)
- Stage II plan
 - Initial Plan = Stage I Level of effort (updated 5yrs)
- Timeline
 - Jan 2014* - Submit Stage I Programs for Approval
 - Jan 2021 – Submit Stage II Programs for Approval

Wastewater Discharge

- Reductions from Wastewater Dischargers
 - Mass limits: 3 large facilities in upper watershed
 - Stage I Allocations = 20% / 40% reduction
 - Stage II Allocations = 40% / 77% goals
 - Concentration limits: 2 lower watershed facilities
- Stage II Plan
 - Plans to meet Stage II limits by 2036
 - Can propose alternate limit of technology standards
- If extension past 2036 needed to meet Stage II
 - Submit updated plan every five years

Agriculture

- Ag collectively achieves reductions
 - Stage I 20% N / 40% P
 - Stage II 40% N / 77% P
- Land Application Requirements
 - Ag apply at RYE N rates and P needs
 - Muni biosolids report soil test P & P loading rates
- Stage II individual buffer / exclusion
 - Conditional on non-compliance with Stage I

State & Federal

- Stormwater requirement for state & fed lands
 - New Development
 - Existing Development
- Similar to requirements for local governments
- NCDOT requirements
 - New Development
 - New DOT road projects meet buffer requirements
 - Existing Development
 - Minimum of at least 6 stormwater retrofits per year

Implementation Issues Identified

- New Development
 - Peak rate match requirements
 - BMP treatment area “Project Area” vs “Catchment Area”
 - Common Plan of Development
 - Vested Rights
 - Advance purchase of nutrient offset credits
- Ag Rule
 - Can project be subject to both Ag & the New D. rules ?
 - Example: Fish Farms that add impervious surface

Questions?

Falls Lake Rules

John Huisman

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Rules Review Process

Gary Kreiser

Classifications & Standards/Rules Review Branch Water Planning Section, DWR

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FY 2015 Budget: Dues and Fees Reminder

UNRBA Proposed Membership Fees for FY 2014-15

Date: 3/18/14

Member	Membership Dues FY 2014-15	Option #2	
		Proposed Monitoring Fees FY 2014-15	Total Proposed Membership Fees FY 2014-15
Town of Butner	\$ 2,319.42	\$ 9,306.34	\$ 11,625.76
City of Creedmoor	1,565.82	6,282.64	7,848.46
City of Durham	37,935.45	152,210.16	190,145.61
Durham County	14,424.19	57,874.86	72,299.05
Franklin County	1,853.30	7,436.09	9,289.39
Granville County	10,645.52	42,713.52	53,359.04
Town of Hillsborough	2,926.88	11,743.67	14,670.55
Orange County	17,204.74	69,031.38	86,236.12
Person County	11,849.96	47,546.16	59,396.12
City of Raleigh	44,878.70	180,068.87	224,947.57
SGWASA	4,567.23	18,325.32	22,892.55
Town of Stem	1,223.80	4,910.34	6,134.14
Wake County	9,345.69	37,498.16	46,843.85
Town of Wake Forest	1,259.24	5,052.54	6,311.78
Total	\$ 161,999.94	\$ 650,000.05	\$ 811,999.99

UNRBA Proposed Membership Fees for FY 2014-15

Date: 3/18/14

Member	Total Proposed Membership Fees FY 2014-15
Town of Butner	\$ 11,625.76
City of Creedmoor	7,848.46
City of Durham	190,145.61
Durham County	72,299.05
Franklin County	9,289.39
Granville County	53,359.04
Town of Hillsborough	14,670.55
Orange County	86,236.12
Person County	59,396.12
City of Raleigh	224,947.57
SGWASA	22,892.55
Town of Stem	6,134.14
Wake County	46,843.85
Town of Wake Forest	6,311.78
Total	\$ 811,999.99

Additional Information Items and Reports

PFC Report—Lindsay Mize and Kenny Waldroup

US Water Alliance: One Water Leadership Summit—Kenny Waldroup

Treasurer's Report—Jimmy Clayton

**Upper Neuse River Basin Association, Inc.
Treasurer's Report**

Date: 5/20/2014

Balance Forward: (per bank statement - 3/25/14)	Checking	\$	191,923.12
	Savings		728,078.89
Debits:		\$	-
McGill Associates			-
Cardno-ENTRIX (February 14 invoice, MDP)			31,754.37
MFG Consulting, LLC			200.00
Phthisic Consulting Inc.			466.26
Bank Charges (maintenance fees)			1.00
Transfer to Savings Account			-
Sauber Water Quality Consulting			1,890.00
Total Debits		\$	<u>34,311.63</u>
Credits:		\$	21.68
Interest (checking)		\$	149.62
Interest (savings)			
Account Balance (per bank statement -4/24/14)	Checking	\$	157,633.17
	Savings		<u>728,228.51</u>
Total UNRBA Account Balance :		\$	<u><u>885,861.68</u></u>

Outstanding invoices/deposits in process since the close of bank statement (4/24/14):

Debits:		\$	24,421.69
McGill Asso. (March & April 14 invoices)			67,408.53
Cardno-ENTRIX March & April 14 inv, MDP)			165.00
MFG Consulting LLC (April 14 invoice)			3,080.00
Sauber Water Consulting (April 14 invoice, MDP)			987.52
Phthisic Consulting Inc. (April 14 invoice)			
Credits:			
Transfer from Savings to Checking	(5/20/14)		100,000.00
Transfer from Checking to Savings			-
Current Account Balances:	Checking	\$	165,637.95
	Savings		<u>628,228.51</u>
Total UNRBA Account Balance :		\$	<u><u>793,866.46</u></u>

***** Cardno-Entrix Invoices:**

Monitoring Dev. Project, March 14 Invoice	\$25,873.53
Monitoring Dev. Project, March 14 Invoice	41,535.00
NRCD Project, March 14 invoice	18,426.74
NRCA Project, April 14 invoice	3,749.69

Monitoring Development Project Balance:		\$	212,065.89
Nutrient Credit Development Project Balance:			290,323.57
Cardno-Raleigh Project (Falls Lake) Balance:			17,392.50

Account Summary for UNRBA Operating and Project Funds

Date: 5/20/14

	Operating Accounts			Savings Account		Monitoring Development	Nutrient Credit	Raleigh Project
	Admin	Expenses	Contingency	Unencumbered	Project Funds	Project	Development Project	
Balance Forward	-	-	\$ 141,755.53	\$ 113,193.46	\$ -	-	-	-
Fund Deposit	\$ 140,000.00	\$ 3,500.00	-	-	-	\$ 455,000.00	\$ 262,500.00	\$ 24,900.00
Contract Amend.	16,000.00	1,500.00	18,000.00	-	-	-	-	-
State Grant	-	-	-	-	-	-	50,000.00	-
Totals:	\$ 156,000.00	\$ 5,000.00	\$ 123,755.53	\$ 113,193.46	\$ -	\$ 455,000.00	\$ 312,500.00	\$ 24,900.00
July, 13	\$ 11,172.71	\$ -	\$ 6,103.23	\$ 113,216.73	\$ -	\$ -	\$ -	\$ -
August	14,845.78	-	5,315.84	113,242.32	-	-	-	-
September	13,341.83	1,273.00	-	113,265.59	-	-	-	-
October	11,525.37	500.00	-	113,362.66	500,000.00	14,970.00	-	-
November	8,678.05	-	-	113,509.74	17,000.00	23,155.00	-	6,662.50
December	8,299.80	309.95	5,870.00	113,635.79	8,000.00	30,951.88	-	455.00
January, 14	13,738.71	325.00	-	113,772.01	212,400.00	67,345.78	-	390.00
February	12,199.49	275.00	-	113,928.09	50,000.00	32,959.17	-	-
March	13,408.12	200.00	-	114,078.17	-	27,949.76	18,426.74	-
April	11,013.57	669.00	-	114,227.79	-	45,602.52	3,749.69	-
May	-	-	-	-	-	-	-	-
June	-	-	-	-	-	-	-	-
Total:	\$ 118,223.43	\$ 3,551.95	\$ 17,289.07	\$ 114,227.79	\$ 787,400.00	\$ 242,934.11	\$ 22,176.43	\$ 7,507.50
Transfer to Checking:					(236,000.00)			
Balance	\$ 37,776.57	\$ 1,448.05	\$ 106,466.46	\$ 114,227.79	\$ 551,400.00	\$ 212,065.89	\$ 290,323.57	\$ 17,392.50
% Remaining	24	29				47	93	70

Anticipated UNRBA Expenditures for FY 2013 - 14

Date: 5/20/14

UNRBA Projects -

	Budget Amount	Y-T-D Expenditures	Project Exp 6/30/2014	Balance 6/30/2014
Monitoring Development Project:	\$ 455,000	\$ 242,934	\$ 61,000	\$ 151,066
Nutrient Credit Development Project:	312,500	22,176	27,824	262,500
Raleigh Evaluation of Falls Lake:	24,900	7,507	-	<u>17,393</u>
Projected Funds for next Fiscal Year:				<u>\$ 430,959</u>

Operating Accounts -

McGill Asso. Contract Amount -	\$ 156,000	\$ 118,223	\$ 35,000	\$ 2,777
Operating Expenses -	\$ 5,000	\$ 3,552	\$ 1,400	<u>48</u>
Unspent Funds Projected 6/30/14:				<u>\$ 2,825</u>

Other Fund Balances -

Contingency (Checking account forward from 6/30/13):				\$ 106,466
Savings Account (plus interest from 6/30/13):				<u>114,227</u>
Unspent Funds Projected 6/30/14:				<u>220,693</u>

			Totals:	<u><u>\$ 654,477</u></u>
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Executive Director Report

- Activities following the March 19, 2014 Board Meeting
- Credits Development Meetings, March 20, March 24 (Agricultural Interests Meeting), Upcoming, May 22
- Monitoring Project Meetings: April 10, April 17 (PFC), April 29 (PFC), May 6 (PFC Workgroup) and May 14 (CAAE/Raleigh Monitoring Program)
- NCSU Workshop on Ecological Flows, March 21
- Southeastern Lakes Management Conference, March 26-28
- League of Municipalities Regulatory Action Committee WQ Subcommittee Meeting, April 1
- NC Water Quality Association Meeting, May 7
- NSAB Meeting, May 2
- DWR Release of the Most Recent Draft Nutrient Credits Process Document –Provided to PFC—Setting up a Meeting
- NCACC Environment Steering Committee, May 20

Meeting Schedule

Next Scheduled Board Meeting, June 18,
2014

Butner Town Hall

Closing Comments