



UNRBA Board Meeting June 16, 2021

Remote Access Only (see next slides)



Remote Access for UNRBA Board Meetings

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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
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- 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 16, 2021 UNRBA Board Agenda

- **Opening—Sig Hutchinson, Chair**
- **Action Items – UNRBA Board**
 - Approval of March 17, 2021 Meeting Minutes
 - Approval of the Treasurer’s Report
 - Approval of FY2022 Contracts
- **Action Item – Compliance Group Committee**
 - Adopt a resolution to formally submit the Stage I Existing Development Interim Alternative Implementation Approach (IAIA) Program to DWR and the EMC
- **Status Reports and Informational Items**
 - Falls Lake Nutrient Management Studies Symposium and Future Communications Planning
 - Proposed Chlorophyll-a Site Specific Standards for High Rock Lake and Importance to Site Specific Standards for Falls Lake
 - 2022 303(d) Listing and Delisting Methodology
 - Statistical Model Development and Regulatory Options for the Chlorophyll-a Water Quality Standard
 - Modeling and Regulatory Support (MRS) Status
 - Ongoing Discussions/Issues
- **Closing Comments**

Opening—Sig Hutchinson

Opening

- Introductions, Board member comments, and announcements
- Roll call for quorum
- Identification of any conflicts
- Review and approval of agenda

Action Items - UNRBA Board

**Approval of March 17, 2021
Meeting Minutes**

Approval of the Treasurer's Report

Balance Forward: (per bank statement - 2/28/2021)	Checking	\$	58,139.81
	Savings		1,017,760.52
Debits:			
McGill Asso. (2021 Invs)		\$	60,603.93
Brown & Caldwell (MRS, FY 21, Invs)			238,505.51
Barnes & Thornburg (2021 Invs)			5,265.04
Sauber Water Quality Consulting (2021 Invs)			14,280.00
HDR, Inc. (2021 Inv)			1,545.00
Hicks & Wrenn (Sec. of State Registration fee for 2021)			504.00
Phthisic Consulting, Inc. (2021 Invs)			2,060.24
MFG Consulting, LLC (2021 Invs)			575.00
			<u>575.00</u>
Total Debits		\$	323,338.72
Credits:			
Interest (checking)		\$	47.73
Interest (savings)			1,562.87
Membership Dues for FY 2021-22 (prepayment)			6,601.00
Transfer from Savings to Checking			300,000.00
			<u>300,000.00</u>
Account Balance (per bank statement - 4/30/2021)	Checking	\$	41,449.82
	Savings		719,323.39
			<u>719,323.39</u>
Total UNRBA Account Balance :		\$	760,773.21
Outstanding invoices/deposits in process since the close of bank statement (5/31/2021):			
Debits:			
McGill Asso. (May, 2021 Inv)		\$	-
Brown & Caldwell (MRS, FY 21, May, 2021 Inv)			59,966.99
MFG Consulting, LLC (May, 2021 Inv)			175.00
Sauber Water Quality Consulting (May 2021 Inv)			4,200.00
Phthisic Consulting, Inc. (May, 2021 Inv)			997.50
Barnes & Thornburg (April 2021 Inv)			695.00
Credits:			
Transfer from Savings to Checking		\$	150,000.00
			<u>150,000.00</u>
Current Account Balances:	Checking		125,415.33
	Savings		569,323.39
			<u>569,323.39</u>
Total UNRBA Account Balance :		\$	694,738.72

Contracts for FY2022

- Brown and Caldwell Modeling, Regulatory Support and Communications Support (\$790,000)
 - Annual project dues provide \$785,000
 - Requesting \$5,000 for IAIA support from contingency

Executive Director recommends a motion:

Approval of the B&C contract, with use of \$5,000 from contingency, and authorization of the Chair to sign on behalf of the UNRBA.

Contracts for FY2022

- Sauber Water Quality Consulting (\$40,000)
 - Annual project dues provide \$40,000

Executive Director recommends a motion:

Approval of the Sauber Water Quality Consulting contract and authorization of the Chair to sign on behalf of the UNRBA.

Contracts for FY2022

- Phthisic Consulting (\$10,000)
 - Annual project dues provide \$10,000

Executive Director recommends a motion:

Approval of the Phthisic Water Quality Consulting contract and authorization of the Chair to sign on behalf of the UNRBA.

Contracts for FY2022

- MFG Consulting, LLC (web support) (\$5,000)
 - Annual project dues provide sufficient funds to cover this amount

Executive Director recommends a motion:

Approval of the MFG Consulting, LLC contract and authorization of the Chair to sign on behalf of the UNRBA.

Contracts for FY2022

- Executive Director Services (\$213,517)
 - Approved in January 2021
 - Annual project dues provide \$213,517

Executive Director notes this contract amount was approved by the Board at the January Meeting and presents the contract to the Board for action. Possible motion:

Approval of the contract and authorization of the Chair to sign on behalf of the UNRBA.

Contracts for FY2022

- Dr. Martin Lebo Support for Site-specific Criteria Development (\$20,000)
 - Requesting \$20,000 Contingency

Executive Director recommends approval of this contract and offers a suggested motion:

Approval of the Dr. Martin Lebo contract, use of \$20,000 from contingency, and authorization of the Chair to sign on behalf of the UNRBA.

Contracts for FY2022

- Audit of the UNRBA during FY 2022
- Forrest and Haywood are reaching out to the Executive Committee to make a recommendation on an agreement with the previous audit firm.
- If there is agreement, there will be a recommendation to the Board on approving the use of this company for the FY 2022 audit

**This concludes the action items of the
UNRBA Board**

Call to Order and Action Items – Compliance Group Committee (CGC)

Stage I Existing Development Interim Alternative Implementation Approach Program Development

**Adopt a resolution to formally submit
the Stage I Existing Development
Interim Alternative Implementation
Approach (IAIA) Program to DWR and
the EMC**

Adoption of Resolution

- On March 17, 2021, the Board
 - Confirmed participation by each local government
 - Voted to approve the IAIA Program Document and the revised UNRBA Bylaws
 - Voted to form a Compliance Group Committee (CGC)
- Development of the template for submitting annual reports is proceeding, and the reporting workgroup has reviewed and commented on the initial version

Recommended motion:

- **Approve the final IAIA package**
- **Confirm participation of each local government in the IAIA by resolution**
- **Authorize the Chair to sign the resolution and a cover letter of submittal on behalf of the CGC**

Chair Asks CGC Members if there are any other items that they need to consider

**This concludes the action items of the
Compliance Group Committee**

Status Reports and Informational Items

**Falls Lake Nutrient
Management Studies
Symposium and Future
Communications Planning**

May 19, 2021 Joint Symposium with the UNC Collaboratory Researchers

- 115 people attended this virtual event including many UNRBA members
- Included presentations from the UNRBA and Policy Collaboratory-funded researchers studying Falls Lake; videos available online: <https://nutrients.web.unc.edu/2021-falls-lake-symposium/>
- Three question-and-answer sessions and three interactive sessions were also conducted
 - The results of these sessions will be sent out to participants when available.
- Board discussion of the symposium and suggestions for future similar meetings
- It is likely another joint symposium will be held in Spring 2022.

UNRBA 2021 Technical Stakeholder Workshop

- Target audience
 - Staff from member governments
 - Representatives from other regulated entities
 - Non-governmental organizations
 - Staff from NC Department of Environmental Quality
 - Reach out to EPA
- Provide updates on the UNRBA watershed and lake models
- Receive feedback from stakeholders
 - Scenarios to consider
 - Statistical modeling and evaluation of designated uses
 - Available information and model inputs
 - Desired outputs and local needs

Planning for Future Communication Needs

- Objectives continue to be reviewed relative to communication opportunities with stakeholders
- To support the re-examination process and achieve broad support for the UNRBA recommendations, additional outreach to external stakeholders including DWR, DEQ, and other interested stakeholders is needed
- Coordination with local leaders to convey messages and facilitate outreach will be necessary
- This effort will require the support of the UNRBA membership, staff and Board representatives

Board discussion of the communication efforts and upcoming needs for the UNRBA and the local governments.

Available Materials

- UNRBA [Infographic](https://upperneuse.org/resource-library) and [Fast Facts](https://upperneuse.org/resource-library) are available online <https://upperneuse.org/resource-library>
- An [Overview of the Work of the UNRBA](https://nutrients.web.unc.edu/resources/) provided to the UNC Collaboratory - <https://nutrients.web.unc.edu/resources/>
- An [IAIA Frequently Asked Questions](#) regarding the alternative, group compliance approach for Stage I Existing Development
- The comprehensive UNRBA data summary and historic loading analysis is available in the [UNRBA 2019 Monitoring Report](https://www.unrba.org/monitoring-program) available online <https://www.unrba.org/monitoring-program> along with the [UNRBA data portal](#)
- The [Conceptual Modeling Plan](https://www.unrba.org/reexamination) is available online <https://www.unrba.org/reexamination>
- Public facing website - <https://upperneuse.org/>
- Comprehensive website - <https://www.unrba.org/>
Meeting presentations, historic data and model reviews, monitoring program study plans, quality assurance project plans, workshop materials, etc.

**Proposed Chlorophyll-a Site
Specific Standards for High Rock
Lake and Importance to Site
Specific Standards for Falls Lake**

Why Consider a Site-Specific Standard for Falls Lake

- The current standard may not be achievable in all areas of Falls Lake – under any management scenario.
- Current chlorophyll-a standard does not relate to the attainment of designated uses. ($\leq 40 \mu\text{g/L}$ at all locations and all times).
- Current assessment methodology does not relate to impairment of designated uses.
- Current standard (1979) does not reflect the wide hydrological and ecological variability of reservoirs or the modern scientific understanding of phytoplankton assemblages and designated uses particularly in artificial reservoirs.
- EPA has encouraged and approved customized site-specific standards in other states.

High Rock Lake – might be the first precedent in NC Site Specific Chlorophyll-a Criteria

- UNRBA engaged in DWR Nutrient Criteria Development Plan.
- Scientific Advisory Council (2015-2020) Recommendations Report on High Rock Lake site-specific criteria.
- Site-Specific Process has included:
 - Recommendations of the Scientific Advisory Council
 - Criteria Implementation Committee
 - Followed by DWR Staff Recommendations
- Significant Comments on the proposed High Rock Lake criteria
 - **Upper Neuse River Basin Association**
 - Yadkin Pee Dee River Basin Association
 - NC Water Quality Association

Key Messages from UNRBA

comments to EMC members before the May Water Quality Committee meeting on High Rock Lake

- An important precedent in NC for all lakes and reservoirs.
- Suggested the EMC-WQC establish a work group to consider the significant comments **before** bringing action to the EMC.
- A work group:
 - provides a good forum to carefully consider comments
 - gains cooperation and support from regulated community
 - is an expeditious way to improve the proposal prior to hearing
 - avoids potential delays for multiple hearings
 - avoids potential delays for multiple amendment revisions.

DWR proposed High Rock Lake site-specific Chlorophyll-a Criteria

UNRBA Comments highlighted differences between the DWR staff proposal and the recommendations of the Scientific Advisory Council.

DWR Recommended a growing season Geometric Mean not greater than 35 ug/L (April-October) and added a new narrative that included defining standard exceedances as a detrimental effect on water quality.

DWR did not include significant Scientific recommendations for:

- An allowable exceedance frequency of once in three years
- Exclusions for: shallow waters <10 feet, backwaters, and isolated coves
- An assessment methodology using all observations within an AU.

EMC Water Quality Committee May 12, 2021

High Rock Lake Site-Specific Standard for Chlorophyll-a

- The Assessment Methodology and the Management Strategy are not part of the HRL standard adoption process but will follow - **AFTER** the water quality standard is adopted.
- Commissioner McAdams noted significant comments by UNRBA and others and requested resolutions of issues with explanation responses and modifications as appropriate.
DWR staff noted an attachment– “in-part deals with this”.
[Link: Overview of High Rock Lake \(HRL\) Chlorophyll a Site-Specific Standard Proposal and Assessment Methodology Recommendation](#)
- WQC voted to forward the staff recommendation to full EMC.
- - July WQ Committee to Recommend EMC go to public notice.
- Comment period perhaps Sept 1 thru Nov 1, 2021
- Public Hearing perhaps October 16, 2021.

Challenges - the petition for site-specific standard

- Environmental Groups not fond of site-specific standards (SSS's).
- DWR staff recommendations failed to incorporate SAC caveats.
- EMC-WQ committee did not discuss the merits of HRL comments from the associations.
- Chlorophyll-a is difficult to relate to actual designated uses.
- DWR's 303d assessment methods – one method for all water bodies and all numerical standards.
- Despite the adoption of many SSS's in a number of states and EPA regions this process may be **contentious** in NC because it may be perceived as an attempt to diminish the water quality protections provided by the not-to-exceed 40 µg/L current standard.

2022 303(d) Listing and Delisting Methodology

2022 303(d) Listing and Delisting Methodology

- DWR requested approval of the 2022 303(d) Listing and Delisting Methodology at the May EMC WQC.
- On April 1, 2021, the UNRBA submitted detailed comments on the Draft 2020 303(d) and Integrated Report to the Division and copied all members of the EMC, and the UNRBA Comments included input on the Assessment Methodology.
- There were six comment letters submitted to DWR concerning the Draft 2020 303(d) list and Integrated Report. The 303(d)-listing methodology determines the process of identifying waters in need of a TMDL or management strategy.

2022 303(d) Listing and Delisting Methodology

- These management approaches often require regulated communities and local governments to expend substantial resources.
- In a comment letter to the EMC on May 6, 2021, the UNRBA suggested that before acting on the 2022 Assessment Methodology, there should be a substantial effort to reach out to the interested public so concerns could be properly addressed.
- The UNRBA suggested a workgroup of WQC members to work through these concerns, but the WQC voted to move the proposal forward to the full EMC meeting

Statistical Model Development and Regulatory Options for the Chlorophyll-a Water Quality Standard

Statistical Model Development and Regulatory Options for the Chlorophyll-a Water Quality Standard

- On October 4th the UNRBA legal workgroup discussed the FY2021 scope of work with Barnes and Thornburg relative to their legal support to the UNRBA
- This session included the statistical modeling team and plans for utilizing the statistical modeling effort to support the development of relationships between the water quality parameters and use support
- This effort will continue in parallel with the Re-examination effort and represents an important consideration for developing recommendations for a revised Falls Lake management strategy
- A UNRBA Technical Advisors Workgroup has been convened to ensure local data and needs are being considered in the development of the statistical model
 - Workgroup met on May 13th

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

Modeling and Regulatory Support Status

- The WARMF watershed model has been calibrated for flow, temperature, sediment
- The EFDC lake model has been calibrated for water level and temperature
- The WARMF lake model is under development
- The Statistical Model is under development and will provide information to support evaluation of designated uses and site-specific chlorophyll-a criteria for Falls Lake
- Model documentation is under development
- The PFC, MRSW, and the scenario screening workgroup is in the process of selecting scenarios for evaluation with the models; potential list to be presented to the Board in the Fall

Ongoing Discussions/Issues

Ongoing Discussions/Issues

- MOA
- DEQ/DWR meetings
- DWR model engagement
- Coordination with the UNC Collaboratory
- UNRBA comments on High Rock Lake Site Specific Chlorophyll-a Criteria during the public comment period
- Neuse Watershed Model Information Session / Delivery Factors for WWTP

Closing Comments

**The next UNRBA Board Meeting is
Scheduled for September 15, 2021
from 9:30 AM to Noon
Currently Planned as Virtual**