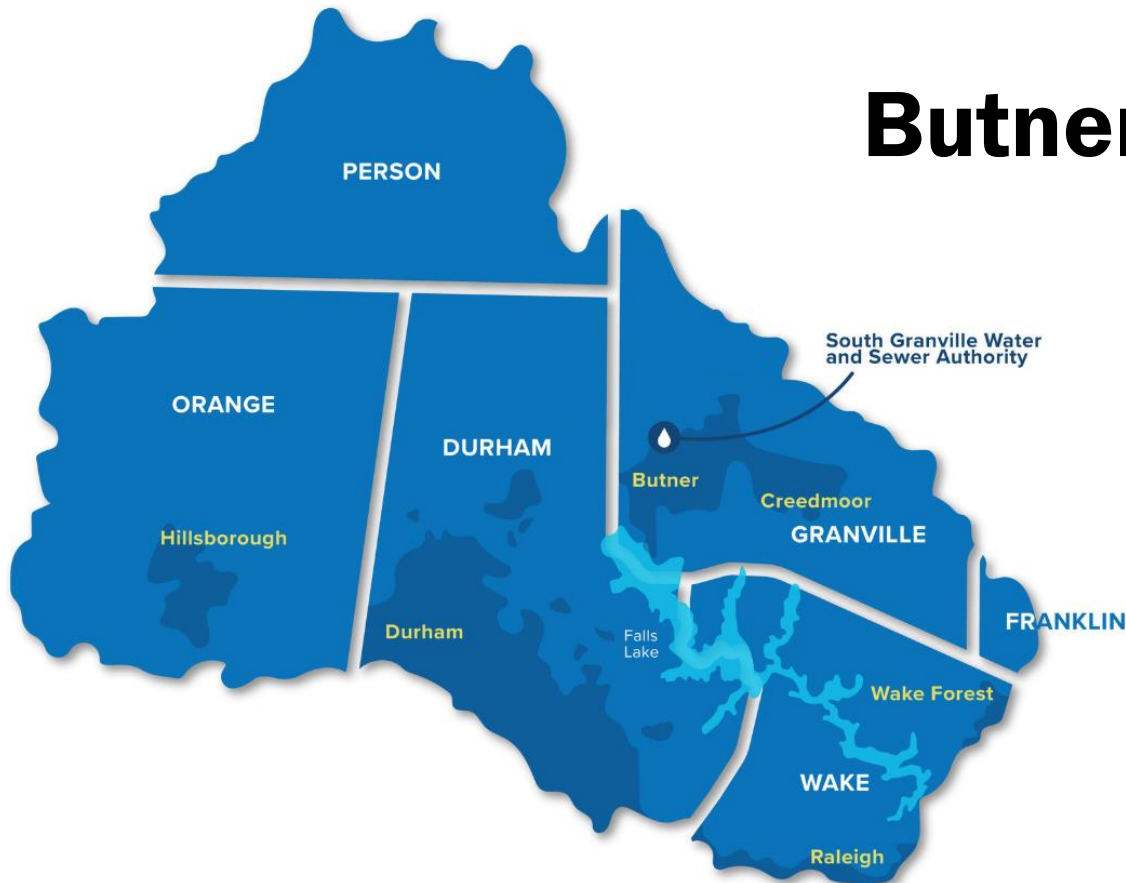




# UNRBA Board Meeting January 18, 2023

## Butner Town Hall



# January 18, 2023, UNRBA Board Agenda

- **Opening—Sig Hutchinson, Chair**
- **Action Items**
  - Approval of November 16, 2022, Meeting Minutes
  - Approval of the Treasurer's Report
  - Officer Elections for 2023
  - Personnel Committee Report
  - Budget Adjustment for Modeling and Regulatory Support FY2023
- **Status Reports and Informational Items**
  - Prospective Budget for FY2024
  - Modeling and Regulatory Support (MRS) Status
  - Developing Recommendations for a Revised Nutrient Management Strategy and a Petition for a Site-Specific Chlorophyll-a Water Quality Standard
  - Communications
  - Ongoing Discussions/Issues
- **Closing Comments**

# Opening—Sig Hutchinson

# Opening

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

# **Action Items of UNRBA Board of Directors**

**Approval of November 16, 2022  
Meeting Minutes**

# Approval of the Treasurer's Report

<b>Balance Forward: (per bank statement - 10/31/2022)</b>	Checking	\$	415,839.26
	Savings		1,176,496.61
<b>Debits:</b>			
McGill Asso. (2022 Invs)		\$	38,243.58
Sauber Water Quality Consulting (2022 Invs)			5,530.00
Brown & Caldwell (MRS, FY 22, Invs)			4,775.31
Brown & Caldwell (MRS, FY 23, 2022 Invs)			130,975.66
Phthisic Consulting, Inc. (2022 Invs)			631.53
JMW Boohkeeping			650.00
WSP, Inc.			1,569.50
MFG Consulting, LLC (2022 Invs)			732.00
			<hr/>
Total Debits		\$	183,107.58
<b>Credits:</b>			
Interest (checking)		\$	84.19
Interest (savings)			2,710.62
Transfer to Savings Acc't			-
			<hr/>
<b>Account Balance (per bank statement - 12/31/2022)</b>	Checking	\$	232,815.87
	Savings		1,179,207.23
			<hr/>
<b>Total UNRBA Account Balance :</b>		\$	<b>1,412,023.10</b>

## Outstanding invoices/deposits in process since the close of bank statement (12/31/2022):

<b>Debits:</b>			
McGill Asso. (2022 Inv)		\$	12,575.96
MFG Consulting, LLC (2022 Inv)			315.99
Sauber Water Quality Consulting (2022 Inv)			8,960.00
Barnes & Thornburg (2022 Inv)			3,585.00
Phthisic Consulting, Inc. (2022 Inv)			150.00
Brown & Caldwell (MRS, FY 23, 2022 Inv)			77,676.85
<b>Credits:</b>			
Transfer from Savings to Checking		\$	-
			<hr/>
<b>Current Account Balances:</b>	Checking	\$	133,137.07
	Savings		1,179,207.23
			<hr/>
<b>Total UNRBA Account Balance :</b>		\$	<b>1,312,344.30</b>

# Officer Elections for 2023

- The Nominating Committee, which was appointed at the November 16, 2022, Board meeting, includes
  - Bill McKellar
  - Carolyn Bachl
  - Terry Hackett
- The Nominating Committee will provide recommendations for the officers of the UNRBA for 2023

Board of Directors elect officers during the January 2023 Board Meeting as required in the UNRBA Bylaws.



# Personnel Committee Findings and Recommendations

- The Executive Director Team of Forrest and Haywood are doing an excellent job
- 2023 will bring significant challenges in terms of completing the Re-Examination of the Falls Lake Rules
- Communication and stakeholder outreach will be very important
- The Personnel Committee requested recommendations from the Executive Director on the FY 2024 Contract for these services and he provided the following (**see next slide**)

# Recommended Revision to the Executive Director Contract—Beginning July 1, 2023

- Adjust the hourly rate of the Executive Director consistent with the Contract provisions for adjustment—from \$115/hour to \$120/hour
- Adjust the Travel and other reimbursable support Costs by \$4,000.00
- The Committee unanimously recommends the contract be modified in accordance with these requests for FY 2024, and that the compensation portion of the contract, Paragraph 3, be revised beginning July 1, 2023, as shown **on the following slide**
- This adjustment represents a 4.3% increase in the hourly rate (contract allows a 5% increase per year in hourly rate) and the \$4,000 increase in Travel and other reimbursable support costs is the first increase in 9 years.

# Recommended Revision to the Executive Director Contract—Beginning July 1, 2023

PAYMENT. Contractor’s annual budget for completing the Work for each fiscal year, beginning with fiscal year 2024 (July 1, 2023 through June 30, 2024) shall be \$235,440.00 unless modified as set out herein. Contractor’s general budget for the Work shall be as follows:

Executive Director compensation (hourly, \$120/hour)	\$190,800.00
Travel and other reimbursable support costs	\$ 20,000.00
Other support services	\$ 24,640.00

# Board Consideration of the Personnel Committee Report

- The Board will consider a recommendation for approval of the Personnel Committee report.
- The decision will be reflected in the contract renewal in June of this year.

# **Discussion of Budget Amendment for the FY2023 Modeling and Regulatory Support Project**

# Additional Efforts Conducted During FY2023 for the Modeling and Regulatory Support (MRS) Project

- Since June, the UNRBA has been working toward calibration of two lake models (WARMF and EFDC)
- A model code modification was required for WARMF to accurately simulate the amount of nutrients released from the sediments of Falls Lake
  - The new code and code modifications from FY2022 require a training for DWR modeling staff to be able to evaluate the model and issue approval
- The modeling team has also been working extensively with the subject matter experts and modeling staff at the Division of Water Resources (DWR) to finalize the calibration of both lake models
  - Several 2 to 3-hour meetings with DWR and SME's experts (June to Nov.)
  - Several technical memorandum to provide results of additional analyses
- These additional efforts have resulted in the modeling subcontractors exhausting, or soon exhausting, their FY2023 contracted budgets
- As of January 3, 2023, the WARMF and EFDC models have been approved by the MRS Workgroup
- An estimate to complete the remaining FY2023 work could not be known until these efforts concluded and the models were approved
- Extensive vetting has been required because this system is not behaving like most others, and multiple evaluations have been needed to demonstrate that the models are working properly

# **FY2023 Modeling and Regulatory Support Contract Language Regarding the Potential Need for an Amendment**

- This possibility was anticipated in the FY2023 scope of work language which acknowledged that

“Resources allocated to this [model calibration] task have been estimated based on the level of effort to respond to subject matter input on the watershed model. Contractors will work closely with the UNRBA management team and Path Forward Committee to make any adjustments in scope needed to complete the tasks described in this Scope, which includes sensitivity analyses, scenario evaluation, and interim reporting. Any issues related to funding will be evaluated carefully while this work is being done. The objective will remain to complete all the work described in this Scope during FY 2022-2023.”

# Discussion of Budget Adjustment for Modeling and Regulatory Support FY2023

- With six months remaining in FY2023 and a great deal of work needed to support development of the revised nutrient management strategy (evaluating scenarios and developing modeling reports), the Executive Director recommends a contract amendment for FY2023 up to \$180,000
- The UNRBA fund balance has a sufficient amount to fund this amendment
- The amount of the contract amendment would be subtracted from the modeling team contract amount for FY2024 such that the total funds allocated to the MRS project would be the same as previously planned.
- The Board will consider a request to authorize the Executive Director to work on a contract amendment for FY2023 up to \$180,000 for the Modeling and Regulatory Support FY2023 contract for review by the PFC in February and consideration by the Board at their March meeting.



# **Status Reports and Informational Items**

# **FY2024 Budget**

# FY2024 Budget

- The prospective budget for FY2024 will be discussed.
- Final budget adoption will be considered at the March Meeting.
- The information provided at this time reflects no change from the FY2022.
- However, based on the Board's action on the Personnel Committee Report, the Executive Director's contract for FY2024, and other adjustments as needed, revision will be necessary before a final budget is proposed.

## Prospective UNRBA Membership Fee Schedule for FY 2023-24

\$ 1,192,892.00 Projected Revenue

Date: 1/11/2023

Member	Base Rate (10%)	2021 Raw Water Demands (50%)			Jurisdiction's Land Area (40%) (Revised 2021)			FY 2023-24 Fees (Prospective)
		2020 Average Raw Water Demand (MGD)	\$ 596,446.00 (%)	Member's Sub-Share Cost	Jurisdiction's Acres Within Watershed	\$ 477,156.80 (%)	Member's Sub-Share Cost	Total Membership Fees
Town of Butner	\$ 8,520.66	NA			8,822	1.8	\$ 8,548.81	\$ 17,069.47
City of Creedmoor	8,520.66	NA			3,544	0.7	3,434.25	11,954.91
City of Durham	8,520.66	28.740	38	\$ 225,645.77	32,680	6.6	31,668.01	265,834.44
Durham County	8,520.66	NA			97,803	19.9	94,774.36	103,295.02
Franklin County	8,520.66	NA			5,284	1.1	5,120.37	13,641.03
Granville County	8,520.66	NA			71,698	14.6	69,477.74	77,998.40
Town of Hillsborough	8,520.66	1.526	2	11,981.05	3,593	0.7	3,481.74	23,983.45
Orange County	8,520.66	NA			121,561	24.7	117,796.65	126,317.31
Person County	8,520.66	NA			83,090	16.9	80,516.97	89,037.63
City of Raleigh	8,520.66	42.710	56	335,328.15	1,241	0.3	1,202.57	345,051.38
SGWASA	8,520.66	2.992	4	23,491.03	NA		-	32,011.69
Town of Stem	8,520.66	NA			506		490.33	9,010.99
Wake County	8,520.66	NA			61,669	12.5	59,759.31	68,279.97
Town of Wake Forest	8,520.66	NA			914	0.2	885.70	9,406.36
<b>Total</b>	<b>\$ 119,289.24</b>	<b>75.968</b>	<b>100</b>	<b>\$ 596,446.00</b>	<b>492,405</b>	<b>100</b>	<b>\$ 477,156.81</b>	<b>\$ 1,192,892.05</b>

**Notes:**

\* Cost Allocation = 10% by uniform participation; 50% by raw water demands; and 40% by jurisdictional land area in UNRBA.

\*\* 2021 annual daily average raw water demand reported by user systems.

\*\*\* Jurisdictional areas obtained from members, January, 2021. Percentages are calculated based on total basin acres. The towns of Mebane and Franklinton have a few acres but not enough to affect percentages. Municipal acreages do NOT include ETJs (although some municipalities may have some planning jurisdiction in ETJs, they do not collect tax revenue from these properties). SGWASA- and OAWS-owned acreages are included in their respective jurisdictional areas and are not calculated separately.

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

# Watershed Model Report and Training Status

- The Watershed Analysis Risk Management Framework (WARMF) model for the Falls Lake watershed has been calibrated for stream flows and water quality.
- The MRSW will review a revised draft report in response to their comments on the original draft after the watershed modeling scenarios have been conducted.
- A WARMF model training will be held with UNRBA members and DWR modeling staff on February 6, 2023.

# Lake Modeling Status

- The three lake water quality models are being developed considering the information generated by the watershed model (stream flows, nutrient concentrations, and delivered loads to Falls Lake)
  - Both WARMF Lake and EFDC have been calibrated for water quality in Falls Lake with approval by the MRSW.
  - The datasets for the statistical model have been compiled and are being evaluated to address questions about the relationships among precipitation, nutrient loading, chlorophyll-a, and satisfaction with designated uses.
    - The model team will begin providing summaries of the model output at the February and March PFC meetings.
    - This model will inform the proposed revised nutrient management strategy and the petition for a site-specific chlorophyll-a standard.
- Lake model reporting and scenario evaluation are under development.

**Developing Recommendations  
for a Revised Nutrient  
Management Strategy and a  
Petition for a Site-Specific  
Chlorophyll-a Water Quality  
Standard**



# Coordination with DEQ

- The UNRBA has been meeting with DEQ and DWR leadership to discuss coordination efforts to finalize the models, develop a revised nutrient management strategy, and develop a petition for site specific criteria.
- Plans are under development on how to coordinate with DEQ and EPA on our general objectives for a revised strategy and a site-specific standard.
- DWR has hired a standards coordinator that replaces the former coordinator who retired. As a result, we anticipate the Division will identify a contact for us to work with on developing the site-specific standard recommendation/petition.
- The UNRBA will continue to work with other stakeholders on these items as well.

# Development of Principles and Concepts for a Revised Strategy

- The UNRBA has compiled preliminary concepts for developing the recommendations for a revised nutrient management strategy.
- The PFC will continue to discuss and refine over the coming months.
- The PFC has discussed principles and concepts for the revised strategy during its [November](#), [December](#), and [January](#) meetings.
- These discussion notes will be used to develop a “strawman” document that the PFC will review at their March meeting.
- The development of principles and concepts for review and approval by the PFC will lead to specific recommendations for revised rules.
- The UNRBA will work in cooperation with DWR to consider specific rule modifications

# Stakeholder Engagement

- We have reached out to other regulated stakeholders, specifically agriculture, DOT and forestry, to provide input and participate in these discussions.
- We will expand this outreach to include stakeholders impacted by all aspects of the current rules, including
  - Other state and federal facilities
  - Development community (new development rule)
  - Farmers and landholders
  - USACE
  - County Health Departments
  - EPA
  - NC Attorney General and Administration
  - EMC Water Quality Committee

# Petition for Site-Specific Chlorophyll-a Criteria and Evaluations of Legal Approaches

- The subject matter experts continue to evaluate other State's site-specific standards for chlorophyll-a and nutrient-related standards.
- Dr. Marty Lebo continues to integrate his work into the statistical modeling and regulatory support efforts.
- The modeling efforts will also inform development of an appropriate, attainable site-specific criteria
- The legal group is meeting after the Board meeting today to discuss the best path forward for a pathway to a revised strategy and the development of a site-specific standard proposal/petition

# Timeline for Developing Recommendations

- **November 2022 through January 2023**
  - Discuss preliminary draft concepts for revised strategy, legal strategy, potential study bill, etc.
- **February and March 2023**
  - Discuss preliminary results of statistical model and strawman document
- **Spring 2023**
  - Draft concepts document
  - Expand stakeholder engagement
  - Meet with DWR and EPA
- **Summer 2023**
  - Propose needed legislation; update draft recommendations package
- **Fall 2023**
  - Stakeholder workshop to review a final draft document
  - Provide our report to the Collaboratory for reference
- **December 2023 - Legislative requirements for Submittals**
  - NC Policy Collaboratory final Falls Lake report
  - Submittals from other groups (UNRBA)
- **DWR to begin rule making within 6 months/no later than December 2024**
  - DWR to begin their stakeholder process
- **DWR anticipates rules readoption by 2026/2027**

Continued engagement with Collaboratory researchers

# Potential Statutory and Regulatory Revisions

- As the UNRBA works to develop its recommendations for a revised strategy and a site-specific standard, it will be necessary to consider potential statutory and regulatory revisions that will allow a more flexible watershed management approach.
- This will involve some legal and legislative actions that will require coordination with the agency and the Legislature.
- The Executive Director is authorized generally to undertake these activities; however, it is requested that the Board reaffirm this authorization considering that outreach to the agency and legislators will be necessary during the current Long Session of the General Assembly.
- The Executive Director will continue to seek assistance from the Legal Group and the UNRBA's Advisory Attorney as approaches are considered and evaluated
- We request that the Board vote to note this ongoing authorization.

# Communications

# Communications Outreach and Preparation

- Continued engagement with DWR
- Planned workshops and symposia
  - WARMF Model Training with UNRBA and DWR
    - February 6, 2023
  - UNRBA Technical Stakeholder Workshop (see next slides)
    - Spring/Summer 2023
  - Workshop with DWR/NC Policy Collaboratory/NGOs
    - Spring/Summer Spring 2023
  - Joint symposium with NC Policy Collaboratory
    - Summer 2023
  - Stakeholder workshop to discussed final draft strategy
    - Fall 2023
- Recent staff changes at member local governments highlight the need for UNRBA engagement from multiple staff across the levels of each local government.



# Communications Outreach and Preparation

- The Executive Director will continue to reach out to local government staff to identify needs and support staff with implementation of the IAIA Program and participation in developing the revised nutrient management strategy.
- The Year 1 annual report for the IAIA program including the number and types of projects has been posted to the UNRBA website
- CGC members suggested a follow up press release to highlight this information
- Planning a press release on the Neuse River of the Year for the upper part of the watershed following event details from American Rivers
- BC communications staff have been identified to support development of press releases and videos

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- A [UNRBA status update for 2022](#) has been posted to the UNRBA website

# Ongoing Discussions/Issues

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- Intensive workgroup activity and management of expectations and resources—A lot to do between now and recommendations at the end of 2023
- Ongoing DEQ/DWR Items—MOA, Neuse Watershed Model Information Session / Delivery Factors for WWTP, etc.—we plan to address in our follow-up meetings with DEQ/DWR

# Closing Comments

**Next UNRBA Board Meeting is Scheduled  
for March 15, 2023  
Butner Town Hall 9:30 AM to Noon**