

# UNRBA Board Meeting March 21, 2018

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Location: Butner Town  
Hall

# **Sig Hutchinson, Chair**

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**Introductions and Announcements**

**Roll Call to Confirm Quorum**

**Identification of any Conflict of Interest Issues**

# **Action Items:**

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**Approval of January 18, 2018  
Conference Call Meeting Minutes**

# **Action Items (continued):**

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**Approval of February 22, 2018  
Conference Call Meeting Minutes**

# Action Items (continued):

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Treasurer's Report — Jimmy Clayton

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

**Date: 3/14/2018**

<b>Balance Forward: (per bank statement - 1/26/18)</b>	Checking	\$	590,061.62
	Savings		505,095.50

**Debits:**

McGill Asso. (Jan 18 Inv)			17,163.40
Brown & Caldwell (MP, Jan 18 Inv)			96,352.24
Brown & Caldwell (MRS, Jan 18 Inv)			20,283.78
MFG Consulting, LLC (Jan 18 Inv)			75.00
Sauber Water Consulting (Dec 17 & Jan 18 Invs)			3,920.00
Phthisic Consulting Inc. (Jan 18 Inv)			811.81
Bank Charges (check fee & maintenance fee)			1.00
<b>Total Debits</b>		<b>\$</b>	<b>138,607.23</b>

**Credits:**

Interest (checking)		\$	64.21
Interest (savings)			121.10
FY 2017-18 Membership Fees			-

<b>Account Balance (per bank statement -2/22/18)</b>	Checking	\$	451,518.60
	Savings		505,216.60

<b>Total UNRBA Account Balance :</b>		<b>\$</b>	<b>956,735.20</b>
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**Outstanding invoices/deposits in process since the close of bank statement (2/22/18):**

**Debits:**

McGill Asso. (Feb 18 Inv)		\$	13,827.05
Brown & Caldwell (MP, Feb 18 Inv)			41,317.09
Brown & Caldwell (MRS, Feb 18 Inv)			22,618.31
MFG Consulting, LLC (Feb 18 Inv)			75.00
Sauber Water Consulting (Feb 18 Inv)			3,220.00
Phthisic Consulting Inc. (Feb 18 Inv)			720.85
Hopper. Hicks, & Wrenn, PLLC (reimbursement)			504.00

**Credits:**

FY 2017-18 Membership Fees		\$	-
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<b>Current Account Balances:</b>	Checking	\$	369,236.30
	Savings		505,216.60

<b>Total UNRBA Account Balance :</b>		<b>\$</b>	<b>874,452.90</b>
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# Action Items (Continued):

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Personnel Committee Report—  
Don O'Toole

# Action Items (Continued):

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Communications Support  
Contract and Scope of Work,  
HDR Service Provider



# Action Items (Continued):

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## FY 2018-2019 Budget

- **Base Budget**
- **Addition of Legal Support Budget**
- **Communications Support Budget**

## Proposed UNRBA FY 2018-19 Expenditures

Executive Director Services (as recommended by Personnel Committee):	\$186,765
Administrative Costs:	6,000
Monitoring Program:	800,000
Communications Support Program:	40,000
Website Improvements for Monitoring Data Base:	<u>3,500</u>
Subtotal:	\$1,036,265
Legal Support:	<u>50,000*</u>
Total:	<u>\$1,086,265</u>

\* Legal may be increased to \$100K.

## UNRBA Membership Fees for Approval for FY 2018-19

Date: 3/16/18

Member	Membership Fees FY 2017-18	Membership Fees w/ \$50K for Legal FY 2018-19	Net Increase (%) for FY 2018-19	Membership Fees w/ \$100K for Legal FY 2018-19	Net Increase (%) for FY 2018-19
Town of Butner	\$ 14,661.77	\$ 15,562.38	6.1	\$ 16,278.70	11.0
City of Creedmoor	10,212.90	10,612.54	3.9	11,101.02	8.7
City of Durham	230,337.43	240,762.28	4.5	251,844.40	9.3
Durham County	89,935.85	95,914.15	6.6	100,329.01	11.6
Franklin County	11,719.70	12,432.91	6.1	13,005.18	11.0
Granville County	67,009.61	71,462.15	6.6	74,751.50	11.6
Town of Hillsborough	20,551.15	22,068.48	7.4	23,084.27	12.3
Orange County	108,531.30	115,731.21	6.6	121,058.23	11.5
Person County	76,420.43	79,548.54	4.1	83,210.10	8.9
City of Raleigh	292,388.01	314,193.33	7.5	328,655.42	12.4
SGWASA	28,797.51	28,938.19	0.5	30,270.19	5.1
Town of Stem	7,746.48	8,206.61	5.9	8,584.35	10.8
Wake County	59,209.53	62,272.75	5.2	65,139.11	10.0
Town of Wake Forest	8,078.28	8,559.54	6.0	8,953.53	10.8
<b>Total</b>	<b>\$ 1,025,599.95</b>	<b>\$ 1,086,265.06</b>	<b>5.9</b>	<b>\$ 1,136,265.01</b>	<b>10.8</b>

\*\* Invoices will be mailed to members on or after July 1, 2018

\*\* Membership fees are calculated as noted in Appendix A - "Dues Formula of the UNRBA By-Laws":

<https://www.unrba.org/sites/default/files/UNRBA%20BYLAWS%20-%20amended%20Nov%2020%202013.pdf>

## Proposed UNRBA Membership Fees for FY 2018-19 with \$100K for Legal Support

\$ 1,136,265.00 Projected Revenue

Date: 3/16/18

Member	Base Rate (10%)	2017 Raw Water Demands (50%)			Jurisdiction's Land Area (40%)			FY 2018-19 Fees (Prospective)	FY 2017-18 Fees (Current)
		2017 Average Raw Water Demand (MGD)	\$ 568,132.50 (%)	Members Sub-Share Cost	Jurisdiction's Acres Within Watershed	\$ 454,506.00 (%)	Members Sub-Share Cost	Total Membership Fees	Total Membership Fees
Town of Butner	\$ 8,116.18	NA			8,822	1.8	\$ 8,162.52	\$ 16,278.70	\$14,661.77
City of Creedmoor	8,116.18	NA			3,226	0.7	2,984.84	11,101.02	10,212.90
City of Durham	8,116.18	27.360	37.8	\$ 214,941.03	31,113	6.3	28,787.19	251,844.40	230,337.43
Durham County	8,116.18	NA			99,663	20.3	92,212.83	100,329.01	89,935.85
Franklin County	8,116.18	NA			5,284	1.1	4,889.00	13,005.18	11,719.70
Granville County	8,116.18	NA			72,019	14.7	66,635.32	74,751.50	67,009.61
Town of Hillsborough	8,116.18	1.468	2	11,532.65	3,713	0.8	3,435.44	23,084.27	20,551.15
Orange County	8,116.18	NA			122,067	24.8	112,942.05	121,058.23	108,531.30
Person County	8,116.18	NA			81,161	16.5	75,093.92	83,210.10	76,420.43
City of Raleigh	8,116.18	40.670	56.2	319,504.81	1,118	0.2	1,034.43	328,655.42	292,388.01
SGWASA	8,116.18	2.820	3.9	22,154.01	NA		-	30,270.19	28,797.51
Town of Stem	8,116.18	NA			506	0.1	468.17	8,584.35	7,746.48
Wake County	8,116.18	NA			61,630	12.5	57,022.93	65,139.11	59,209.53
Town of Wake Forest	8,116.18	NA			905	0.2	837.35	8,953.53	8,078.28
<b>Total</b>	<b>\$ 113,626.52</b>	<b>72.318</b>	<b>99.9</b>	<b>\$ 568,132.50</b>	<b>491,227</b>	<b>100</b>	<b>\$ 454,505.99</b>	<b>\$ 1,136,265.01</b>	<b>\$ 1,025,599.95</b>

**Notes:**

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

\*\* 2017 annual daily average raw water demand reported by user systems.

\*\*\* Jurisdictional areas obtained from members, January, 2017. 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.

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# Information Items and Reports:

# Status of Proposed Legislative Action to Address Issues with the Falls Lake Rule Implementation Dates

(Modifications to Session Law  
2016-94)

# UNRBA Requested Changes to Session Law 2016-94

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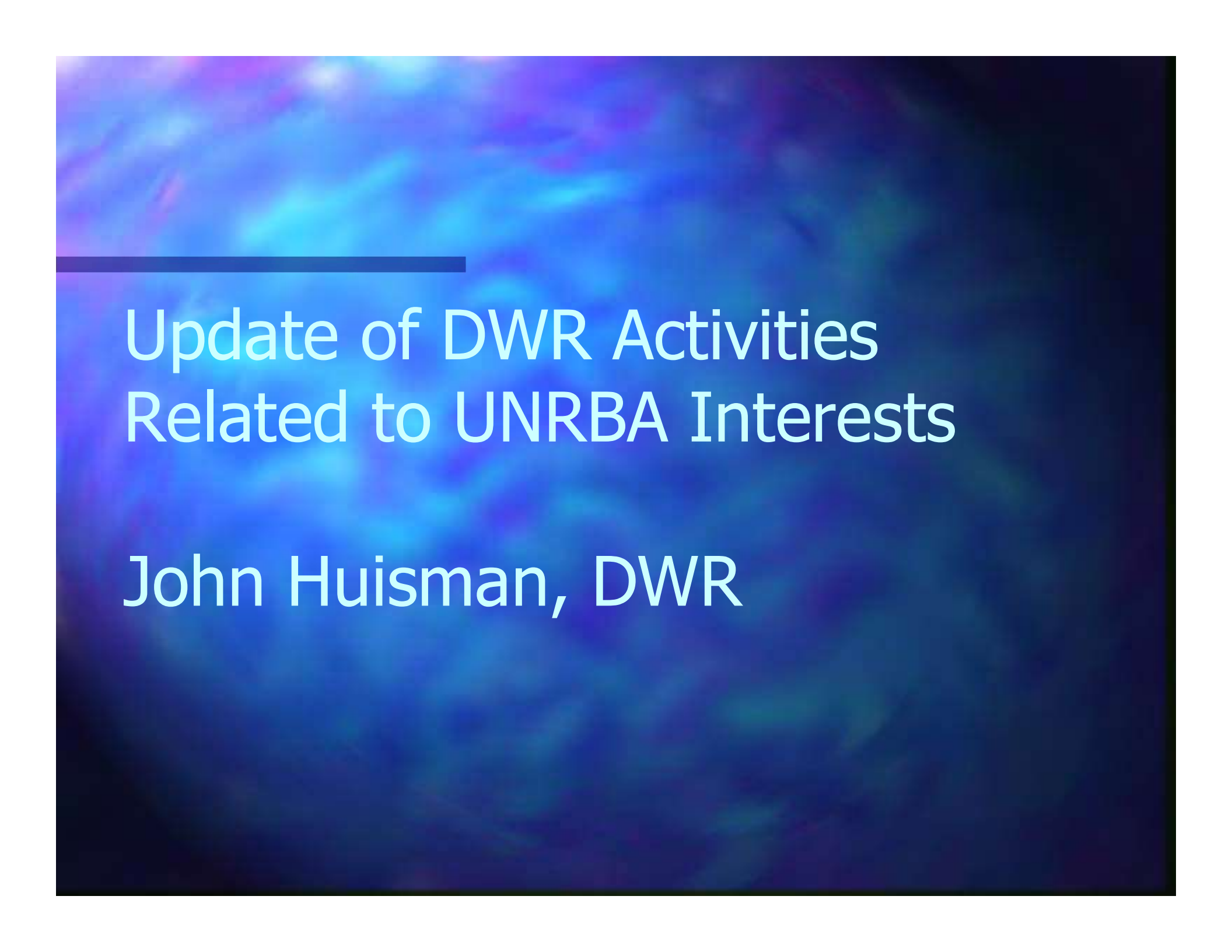
- Initially Filed with President Pro Temp of the Senate
- Incorporated into Senate Bill 434, Passed Senate
- Additional Revisions Proposed
- Coordination with UNC Collaboratory Schedule

# Major Areas of Concern in Current Law

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- Responded to Concerns About Pathway to Stage I Existing Development Compliance
- Dealt with Process for Model Program Adoption
- Coordinates UNRBA and UNC Processes





# Update of DWR Activities Related to UNRBA Interests

John Huisman, DWR

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# Modeling and Regulatory Support Update—Alix Matos



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# Monitoring Program Status Update--Doug Durbin

# PFC Report

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Lindsay Mize and Kenny Waldroup

Meetings:, January 24, 2018,  
February 28, 2018 and Upcoming:  
March 28, 2018

# Regulatory and Legislative Update

Don O'Toole, City of  
Durham

# Executive Director Report Items

- March 14, 15 2018 WRI Annual Presentation
- March 22, 2018 UNC Collaboratory Symposium
- Collaboratory Request for Using UNRBA Funding as “Match” for Additional Research Funding
- UNC Collaboratory Jordan Final Report by December 31, 2018 (current law)
- Conservation Credit and Buffers in Developed Areas
- Comments on Changes to 303(d) Listing Methodology
- EMC Meetings, March 7<sup>th</sup> and 8<sup>th</sup>
- March 26-27 AWWA-WEA Spring Symposium Presentation
- DWR Nutrient Criteria Development Plan—SAC Meeting March 28<sup>th</sup>, Chlorophyll a Discussion
- NSAB Meetings Feb. 2, March 2 and Coming Up April 6
- March 29, 2018 Responses Due RFQ for Legal Support
- Report on Algal Blooms and Cyanotoxins in Jordan Lake

# Update on UNRBA Involvement in 2B Rules Readoption Process

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- UNRBA Comments Filed:  
11-13-2017
- DWR/EMC Process
- Chlorophyll a Standard
- Neuse Buffer Rule Revisions
- Nutrient Trading Framework
- Met with DWR on March 20nd

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# Closing Comments



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Next Scheduled Board Meeting:  
May 16, 2018, Butner Town Hall,  
Beginning at 9:30 AM

## **BACKGROUND**

In 2016, the General Assembly created a special study by UNC to examine the Nutrient Strategies which have been adopted for Jordan Lake and Falls Lake. The legislation recognizes that the UNRBA is undertaking a re-examination of the Falls Lake rules and incorporates consideration of that study in the readoption of the Falls Lake Nutrient Strategy rules.

As currently written, the Session Law requires UNC to complete its work by December 31, 2021. Its work will include proposed revisions to legislation and the existing Falls rules. The legislation requires the EMC to begin the rule making process for revisions to the Falls rules by March 15, 2019. Under the Administrative Procedure Act, the first step in rules' readoption will be publication of the proposed rules in the N.C. Register.

The process for the UNRBA re-examination has several key steps, and two of the most significant are (1) completion of the monitoring study and (2) completion of the modeling study. The monitoring study underway is scheduled to continue for at least 4 years and will end no sooner than the end of 2018. The modeling study will take at least 18 to 24 months once the monitoring is completed and the results have been analyzed. The UNRBA has also committed to a stakeholder process before it sends forward its recommendation for changes to the EMC. Collectively, these steps will mean that the UNRBA re-examination results will be available in approximately July, 2023. As now structured, the UNC study will be completed and the study center will not be available to consider and make recommendations on the UNRBA's proposal. Revisions allow for the UNC study to consider the work of the UNRBA in making its recommendations.

Due to tensions in the scheduling process set forth in Session Law 2016-94 relative to the nutrient study and the Upper Neuse River Basin Association's ("UNRBA") re-examination process, the UNRBA has been seeking changes to the 2016 legislation. After Board Discussions at the 2017 March and May Board Meetings and a special conference call meeting on May 30, 2017, the UNRBA contacted the NC DEQ and interested environmental interest groups. The UNRBA has developed consensus changes, attached, to this Session Law addressing the following issues:

- Delay the start date for the Falls rules' readoption from March 15, 2019 to allow the UNRBA study to be finished (Section 14.13.(d).
- Falls rules readoption process should be delayed to allow the UNRBA re-examination to be completed under the proposed schedule with delivery of recommendations in July, 2023 (Section 14.13.(c)(2) revises UNC report date to December 31, 2023 to allow UNRBA information to be considered).
- As currently stated in the Falls Lake Rules, the Stage I Existing Development rule's reduction required of local governments must be completed by the end of 2020. The start date for the Stage I Existing Development rules has been delayed while DEQ and the UNRBA have been developing nutrient reduction credits for practices that can be implemented to achieve the necessary nutrient reductions. Requested revisions of Session Law directs DEQ to present to the EMC for approval a model program for existing development and clarifies that compliance with Stage I reduction goals and strategies are revised to December 31, 2026 (Section (14.13.(h)). The changes include Stage II goals and strategies are to begin December 31, 2026 as well (the revisions requested should result in the readoption of the Falls Lake Rule).