

Division of Water Resources Memorandum of Agreement

The Renewal Process

UCFRBA meeting

4/16/2019

MOA: The Make Over

- Why?
 - Original 20+ years old
 - Cut and pasted
 - Old software/programs
- How
 - Technical writer review and edit
 - QA review and edit
 - Ambient Monitoring Program & Chemistry Section staff
 - Legal review
- Results
 - Updated, streamlined, electronically friendly
 - MOA template created for other coalition MOAs

What is changed: Basic Updates

- Dates
- Grammar
 - “between vs among”
 - Coalition Coordinator is a proper noun and therefore capitalized
- Style and Format
 - Restructured
 - i.e. Headers established, blank pages removed
 - Reformatted into Word 2016
- Names Updated
 - Signature authorities
 - Facility changes
 - Department of Environmental Quality, Division of Water Resources
- Tables & Appendices restructured/updated/re-labeled
 - Table 1 and Signature page combined
 - Table A: Sampling Stations, Parameters and Frequency= Table 2
 - i.e. Hardness, Stream index, station comments
 - Table B-1: Reporting limits =Table 3
 - hardness added
 - Table B-2: Remark codes =Table 4
 - updated
 - Table C: Data Reporting=Table 5
 - “Example” of a format
 - unused columns removed (does not effect data submittal)

What is changed: Requirements

- Removed the requirement that “DWR issues a letter to each of the Permittees notifying them that the instream monitoring requirements are waived as long as they are a member of the Coalition”
 - One letter issued to the chair to be distributed electronically.
- Data/reports should be sent to the coalitioncoordinator@ncdenr.gov
- Annual report requirements
 - past amendment incorporated into new document

What is changed? Important Notes

- Clarifications

- The MOA is among DWR, the UCFRBA and the UCFRBA members.
- Waiving of instream requirements only applies to certain parameters “as specified in their individual permits”
- Withdraw/Termination as between DWR and individual UCFRBA Permittees.
 - Become effective upon the termination date specified in the notice

- Text changes

- Metals and hardness
 - NOT BEING REQUIRED BY THE COALITION AT THIS TIME BUT.....
 - May be part of NPDES permit (i.e. Duke Energy Facilities)
 - May choose to collect if an NPDES permit requires (i.e. hardness)
- Additional data collection **MAY BE REQUESTED** should specific issues arise.
 - Emerging contaminants opener

What is changed? Important Notes cont..

- Text Changes cont.
 - “Each UCFRBA PERMITTEE has the right to review and comment on work, data, or reports prepared by any contractor on behalf of the UCFRBA PERMITTEES and notify the DWR of any objection or disagreement with any portion of the work, data or reports”
 - now reads
 - “ The UCFRBA PERMITTEES may provide comments to DWR on data and work submitted by the UCFRBA to DWR”.
- Text additions
 - No limitation on use of the data:
 - Applies to DWR, UCFRBA and Permittees
 - Savings Clause:
 - Should any part of this agreement be declared invalid.....
 - Remedies for Breach:
 - The only remedy for breach is an action for specific performance or injunction.

Documentation: Revision Log Example

REVISION LOG
Coalition Monitoring Program
Yadkin Pee Dee River Basin Association Memorandum of Agreement

Date	Version	Section	Changes/Updates	Editor
5/15/18	2018-2023	Title Page, Line 2	Between changed to Among	Headrick
5/15/18	2018-2023	Entire document	Division of Water Quality (DWQ) updated to Division of Water Resources (DWR)	Headrick
5/15/18	2018-2023	Title Page, Lines 5 and 6	YPDRBA added as party to the agreement	Headrick
5/15/18	2018-2023	Title Page	DWQ logo changed to DWR logo	Headrick
5/15/18	2018-2023	Title Page, Line 21	Dates for MOA term updated	Headrick
5/15/18	2018-2023	Entire document	Department of Environment and Natural Resources' updated to Department of Environmental Quality's	Headrick
5/15/18	2018-2023	Entire document	Blank pages removed	Headrick
5/15/18	2018-2023	Page 2, Line 8	word "the" removed as it is unnecessary	Headrick
5/15/18	2018-2023	Page 2, Line 9 & 10	"requirement" amended to "requirement(s)"	Headrick
5/15/18	2018-2023	Page 2, Lines 12	"for certain parameters" added	Vander Borgh
5/15/18	2018-2023	Page 2, Lines 16-17	phrasing amended instream monitoring requirements	Vander Borgh
5/15/18	2018-2023	Page 2, Lines 29-30	redundant sentence removed	Headrick
5/15/18	2018-2023	Page 2, Line 30	Appendix A added to statement since it described required monitoring activities	Headrick
5/15/18	2018-2023	Entire document	"or" changed to "and/or"	Headrick
5/15/18	2018-2023	Page 2, Lines 37-38	Last sentence deleted because Appendix C described in later paragraph	Headrick
5/15/18	2018-2023	Page 2, Line 40	unnecessary phrasing removed	Headrick
5/15/18 and 04/23/2018	2018-2023	Page 2, Line 42	email addressed added to allow for electronic submission of data	Headrick and Vander Borgh
5/15/18	2018-2023	Page 2, Line 48	YPDRBA added as a responsible party for approval of data or reports	Headrick
5/15/18	2018-2023	Page 3, Line 1	"total" added before revocation	Headrick
5/15/18	2018-2023	Page 3, Line 2	"each of" added before YPDRBA PERMITTEES to specify individual responsibility of each permittee	Headrick
04/10/2018	2018-2023	Page 3, Line 6	"results" amended to "activities"	Vander Borgh
5/15/18	2018-2023	Page 3, Lines 9-10	"Two copies" changed to "A copy"	Headrick
05/22/2018	2018-2023	Entire document	"chairman" changed to "chair"	Headrick

5/15/18	2018-2023	Page 3, Line 12	ability to submit data electronically and email address added	Headrick
5/15/18	2018-2023	Page 3, Line 15	text amended to "the person(s)" for more specificity and to allow for data collection teams	Headrick
04/10/2018	2018-2023	Page 3, Lines 24-28	Metals paragraph deleted and replace with paragraph addressing dissolved and totals metal data, collection of hardness data, and future monitoring desires of DWR	Gryzb, Wrenn, and Vander Borgh
5/15/18	2018-2023	Page 3, Line 33	YPDRBA PERMITTEES added as a responsible party for approval of amendments to MOA	Headrick
5/15/18	2018-2023	Page 3, Line 36	added "NPDES permit" to specify type of dischargers can participate in MOA	Headrick
5/15/18	2018-2023	Page 3, Line 44	added YPDRBA PERMITTEES to denote each's individual responsibility regarding approval of additional NPDES permit dischargers	Headrick
5/15/18	2018-2023	Page 3, Line 48	added "NPDES permit" to specify type of dischargers can participate in MOA	Headrick
5/15/18	2018-2023	Page 4, Line 3	changed year of MOA expiration	Headrick
04/10/2018	2018-2023	Page 4, Line 8	"Then, a subsequent" added to clarify required timing	Headrick and Vander Borgh
5/15/18	2018-2023	Page 4, Line 9	text amended to "DWR Regional Office(s)" to reflect current Division name and chance that one project may be covered by two (or more) Regional Offices	Headrick
5/15/18	2018-2023	Page 4, Lines 9-10	text amended to "DWR Water Quality Permitting Section" to reflect current Division and current Section names	Headrick
5/15/18	2018-2023	Page 4, Lines 16-18	Statement clarifying that if a part of this MOA is declared invalid the remaining parts of the MOA are still valid	Vander Borgh
04/10/2018	2018-2023	Page 4, Lines 28-30	names, titles, and parties updated to current	Headrick and Vander Borgh
05/02/2018	2018-2023	Page 5, Table 1	Table 1 updated to reflect current information for those NPDES permitted dischargers that encompass the YPDRBA. Table 1 amended to include contact information as well as signature lines for each NPDES permitted discharger.	Hamm, Headrick, and Vander Borgh
04/01/2018	2018-2023	Table A-1	footnotes updated to reflect current data collection sampling frequency	Vander Borgh
5/15/18	2018-2023	Pages 7-8	title of Table A-1 changed to Table A since there is only one table in Appendix A. data in Table A updated with information supplied by YPDRBA	Headrick and Vander Borgh
4/1/2018	2018-2023	Table A-1, Page 8	footnotes updated to reflect current data collection sampling frequency	Vander Borgh
05/14/2018	2018-2023	Page 10, Line 4	date of approved document updated	Headrick and Vander Borgh

Documentation: Revision Log

05/14/2018	2018-2023	Entire Document	URL updated	Headrick and Vander Borgh
05/14/2018	2018-2023	Page 10, Line 7	"Coalition Coordinator" made a proper noun with capital letters	Headrick
05/10/2018	2018-2023	Page 10, Table B-1	information updated: metal POLs added, pH meter calibration statement removed	Vander Borgh
05/14/2018	2018-2023	Page 11, Line 5	sentence amended to best direct the public to an up-to-date copy of the codes	Headrick and Vander Borgh
05/04/2018	2018-2023	Pages 11-14, Table B-2	information updated: Enterococci added, header reformatted, qualifier codes updated, and supporting definitions expanded	Headrick and Vander Borgh
05/04/2018	2018-2023	Page 14, Table B-2	Footnotes updated to reflect currently-accepted data remarks	
05/14/2018	2018-2023	Page 16	text for both sections was updated to reflect current information and reporting needs	Headrick and Vander Borgh
05/14/2018	2018-2023	Page 17	Table C-1 was renamed Table C as it is the only table in Appendix C. information in Table C was updated to reflect current needs and capabilities. Submission format also updated	Headrick and Vander Borgh

- Timeline

- MOA expires 4/30/2020
- 1st Draft out for review
 - Expected 2/1/2020
- Final Draft out for review
 - Expected 3/1/2020
- New MOA approved?
 - Expected 4/1/2020
- All Signatures
 - 5/1/2020

UCFRBA: Important tasks!

- Signature authorities updated
 - Names and titles
- Station table and monitoring frequency table
 - Reviewed & updated
- Review MOA drafts and provide comments
- **GET SIGNATURES!**
 - Various ways and means

Questions?

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