

AGENDA

UPPER CAPE FEAR RIVER BASIN ASSOCIATION BOARD OF DIRECTORS MEETING

Mebane Arts & Community Center
633 Corregidor Street
Mebane, NC 27302

November 21, 2019
9:30 AM

Attendees:

Name	Agency	Contact info
Michael Rhoney	City of Asheboro	mrhoney@ci.asheboro.nc.us
Charlie Cocker	City of Durham	charles.cocker@durhamnc.gov
Martie Groome	City of Greensboro	martie.groome@greensboro-nc.gov
Roy Lynch	Town of Siler City	rlynch@silercity.org
Bob Patterson	City of Burlington	bpatterson@ci.burlington.nc.us
Terry Houk	City of High Point	terry.houk@highpointnc.gov
Amanda Hancock	Meritech, Inc.	amanda.hancock@meritechlabs.com
David Merritt	Meritech, Inc.	david.merritt@meritechlabs.com
Chris McCorquodale	Town of Siler City	cmcquorquodale@silercity.org
Amy Varinoski	City of Mebane	avarinoski@cityofmebane.com
Tonya Mann	City of Graham	tmann@cityofgraham.com
Shelby Smith	City of Graham	ssmith@cityofgraham.com
Alicia Goots	City of Greensboro	alicia.goots@greensboro-nc.gov
Jonathan Baker	City of Durham	jonathan.baker@durhamnc.gov
Maria Vanderloop	Town of Cary	maria.vanderloop@townofcary.org
Steve Tedder	Tedderfarm Consulting	tedderfarmconsulting@gmail.com
Haywood Phthisic	LNBA	exec.director@lnba.net
Cameron Colvin	PTRC	ccolvin@ptrc.org
Jen Schmitz	TJCOG	jschmitz@tjcog.org
Maya Cough-Schulze	TJCOG	mcough-schulze@tjcog.org

Board Chair Michael Rhoney (Asheboro) called the meeting to order at 9:40am after coffee and donuts.

- The meeting minutes from the last Board meeting in August were approved after adding COG staff to attendees.
- The meeting agenda was approved as presented with no additions.

Metals Sampling Request Recap & Update

Cameron Colvin (PTRC) provided a recap of the additional metals sampling that was requested by DWR in July.

Scope:

- The 7 stations at which DWR requested metals sampling include UCF station numbers 2, 6, 22, 23, 36, 37, 39. Metals data collected at these stations would provide rationale for the potential delisting of their associated stream segments from the 303(d) list.

- The initial request was for a minimum of 10 samples at each site in 2020, for the full suite of metals, to determine if there was more (or less) than 10% exceedances at greater than or equal to 90% statistical confidence.

Important updates:

- DWR clarified that they would accept data from coalitions for a subset of parameters, i.e., only the impaired parameters.
 - See FAQ document from Mark Vander Borgh for other useful information.
- The UCFRBA received an updated quote from Meritech for sampling all metals at 7 sites. Estimated costs = \$37,000
 - Diminished from the previous quote due to using one technician only
- Cameron estimated that sampling for impaired parameters (copper, zinc) only would be approximately \$15,000.
 - Primarily due to reduced analytical costs
 - Reduced scope would also need to include fewer field blanks

Budget considerations:

- Cameron reminded the group that we'd approved additional monitoring for the modeling branch through June of next year, which is tapping into the contingency budget.
- Sampling for the full suite of metals that were requested would reduce the contingency balance by \$53,000, while still leaving \$142,000 remaining. Sampling for impaired metals only would reduce the balance by \$31,000 and leave \$164,000 remaining.

Discussion

- Martie Groome (Greensboro) noted that stations 36 and 37 share the same AU/stream segment.
- Cameron said that he could ask DWR if the coalition could sample at just one of these stations, if that would be representative for the 303d list.
- Cameron opened the floor for further discussion.

Haywood Phthisic, Executive Director of the Lower Neuse Basin Association (LNBA), shared that the LNBA appointed a committee to review DWR's monitoring request. They recommended sampling for zinc and copper only. However, the LNBA Board, after further discussion, decided to not support the request, since most of the selected stations would only impact the upper part of their basin. There were also remaining questions about who would develop the QAPP and whether or not the EPA will require acute or chronic testing in the future.

Martie mentioned that DWR had previously stated that "no regulatory action will be taken on impaired listings until data is confirmed under new standard", meaning several TMDLs have been held up. If the coalition were to spend extra money, it may be better spent on emerging contaminants, which are affecting many coalition members.

Other members agreed that this may not be the most effective use of funds.

Martie made a motion to respectfully decline the requested metals sampling; Terry seconded the motion. The vote carried unanimously in favor of the motion.

Cameron asked how coalition staff should follow up with DWR.

- It was decided that the COG staff should draft a letter for the Chair to sign.

MOA Considerations

Cameron explained how the MOA renewal presents an opportunity to clarify roles and expectations between the Coalition and DWR. Discussion ensued on specific MOA language below:

Nothing in the MOA precludes DWR from requesting UCFRBA permittees or UCFRBA to take additional samples. Similarly, there is nothing in this MOA that precludes UCFRBA permittees or UCFRBA to voluntarily conduct and submit sampling data to DWR in addition to what is set forth in Table 2, including hardness and emerging contaminants.

This MOA does not relieve UCFRBA permittees from compiling with other NPDES permit requirements, including influent and effluent monitoring requirements, or other federal and state laws, including state water quality samples.

Martie suggested that it may be beneficial to define requests and asked if coalitions submit their own sampling data (following DWR QA/QC requirements), is there any assurance that this data will be used?

Cameron agreed that this language could be clarified with DWR. They typically accept voluntary data that follows certain protocols.

The UCFRBA permittees are exempted from instream water quality monitoring for certain parameters as specified in their individual NPDES permits. If there is any discrepancy or conflict between this MOA and an UCFRBA permittees NPDES permit, the UCFRBA permittee's NPDES permit shall prevail.

Jen Schmitz (TJCOG) asked whether this holds true if a permit has expired. Martie said that if they have submitted their permit, it is automatically administratively extended.

Martie asked if staff had any recommendations that would make annual reporting or other admin responsibilities easier.

Cameron noted that the two previous requests for additional data resulted in several lingering questions that had to be ironed out between the coalitions and DWR. Primarily, whether or not the coalitions could drop certain stations or parameters while meeting monitoring needs. It would be beneficial if there was greater coordination between DWR branches and the coalitions and their respective labs to incorporate monetary considerations at the onset.

Jen reminded the group that signatures are needed from each member for the MOA. Maya and Cameron did some outreach for this meeting and found that a few contacts have changed.

Martie mentioned that the UCFRBA had a separate signing party for the last MOA renewal. May still need to drive to get signatures from some members.

Cameron confirmed that we have everything needed for the MOA renewal. Mark has sent us the draft text, station list and table. These, along with the contact list, may need a few updates. Staff will pull these all in to present to the Board in January. Durham has asked to include station B3300000 again. Members could have a signing party then or schedule another meeting shortly thereafter if there are any revisions.

Jen reminded the group that we have gotten no comments on the MOA so far.

Martie asked staff to provide a reminder with a time constraint. Most people may not comment until right before the deadline. A hard deadline for MOA comments was established as the end of 2019.

Martie suggested that everyone reply all with comments, so that everyone knows what comments have already been submitted and to enable dialogue over email.

Cameron/Maya will obtain clarification on the above items before send out MOA for January meeting and can set up conference call if there's more to discuss.

A date has not been set yet for the January meeting but it has typically been the last Tuesday.

Martie let the members know that for future reference, it would be good to review the new EMC-approved 303d listing and delisting methodology.

Haywood noted changes coming to DWR: Jim Gregson, Linda Culpepper, Roy Bird, and Cindy Karoli are all retiring at or near the end of the year.

The meeting adjourned at 10:30am.

Action Items:

Regarding the metals data request:

- Cameron will draft a letter to Mark with UCFRBA's decision, with input from Maya/Jen, for Michael Rhoney to review and sign.

Regarding the MOA renewal:

- Cameron will clarify with DWR:
 - If we can provide a definition for requests;
 - If we can include an assurance for use of voluntarily submitted data
- Cameron/Maya will pull text, stations, table, updated contact list into MOA for final review at January Board Meeting
 - Everyone should look for a reminder to submit any comments on MOA before the holidays. Please reply all so that all members know what comments have already been made, and to enable dialogue.
 - Signatory attendance at the January meeting is critical - expect a signing party then or shortly after.