Nutrient Scientific Advisory Board Meeting #15 Minutes - Draft

Friday, January 13, 2012
TJCOG - 4307 Emperor Blvd, Durham NC, 27703
9:30 am -12:00 pm

Attendees
Members: Matt Flynn, John Cox (& Michelle Woolfolk, alt), David Phlegar, Michael Layne, Trish D'Arconte, Bill Hunt (& Kathy Debusk, alt), Matt Lauffer (& Andy McDaniel, alt), Maggie Monast (Grady McCallie's alt)

Non-Members: Andy Sachs (facilitator), Jason Robinson (DWQ), Rich Gannon (DWQ), Adugna Kebede (DWQ), Fred Royal (Brown and Caldwell), Trevor Clements (TetraTech), Josh Johnson (AWCK), Britt Stoddard (Wake Co), Melinda Clark (Wake Co), Tom Davis (Orange Co), Terry Hackett (Orange Co), Alex Matos (Cardno ENTRIX), Sandra Wilbur (Durham), Sarah Bruce (TJCOG), Mike Schlegel (TJCOG), Heather Saunders (TJCOG)

Agenda
- Feedback on *Remodel Request for Qualifications*
- Discussion on remodel contracting process

List of Materials
- December Minutes (Meeting #14)
- Draft Remodel Request for Qualifications v1 (dated January 9, 2012 – resent January 12, 2012)

Convene
- The facilitator proposed to relax the Ground Rule that prohibits Board members' alternates from speaking when the primary member is in attendance, and to allow alternates to sit at the table and participate in the discussion whether the primary member attends or not. Alternates would still not be able to vote if their primary is in attendance. The Board agreed to this proposal.
- Board members and guests introduced themselves.
- The December minutes were approved.
- Rich shared staff's intent to recommend to the Secretary that he appoint Josh Johnson of Alley, Williams, Carmen and King, Inc. to fill Fred Royal's vacancy as a local government representative. Several candidates had been recommended and reviewed, and DWQ felt Josh offered the best qualifications in several respects: small municipality experience; county experience; Haw local government perspective; stormwater design and review experience; Jordan rules implementation and compliance experience; and other state stormwater rules implementation and compliance experience. He is a professional engineer and works for a number of small municipalities that are located in the Jordan watershed, as well as for Alamance County. He has also developed and submitted Jordan Programs to DWQ for some of those municipalities. The Board unanimously supported Josh's recommended appointment to the Secretary.

Remodel Request for Qualifications

DWQ provided a revised draft Request for Qualifications (RFQ) that made a couple of changes to an original they had sent the preceding Monday. The draft was dated January 9, 2012.

The group had an extended discussion regarding the "Selection Criteria" for the consultant. It was agreed that the selection criteria be weighted on importance. There was discussion about the importance of local experience. It was decided that it would be beneficial for consultants to have local experience because of the aggressive timeline of the project. Consultants with local experience would be more familiar with local data and have easier access to it. Some members also expressed desire for local consultants to be used if local governments will be asked to contribute money for the contract. The following criteria and percentages were agreed on by the group: 1. Logistics and content approach (35%); 2. Experience (25%) 3. Team members' qualifications (20%) 4. Past performance (15%) 5. Other, determined by selection panel (5%).

DWQ focused the Board on the scale disparity issue between load estimates by a watershed model and load reduction estimates at a site-scale, and the related question of whether the model or a site-scale tool should be used to estimate interim load increases. Board members did not seem averse to staff's proposed implementation approach (first page of attachment) of doing both annual load reduction estimates via site-scale method and periodic remodeling, but members expressed a desire to think some more about the suggestion to base compliance on the use of both types of estimation. One thought was that this would probably have to be worked out in the permits of Phase II communities.

The group had extensive discussion about the time period for the model. It was agreed that the RFQ should call for using land cover input data that is most representative for the time period being modeled, and the consultant will be asked to recommend an approach given the available data. The group also agreed to build in a point in model development where the SAB approves the land cover.

Board members also expressed the following concerns and recommendations:

- The "Model Assessment" section of the RFQ Attachment should request that contractors acknowledge nutrient sources that have not been included or addressed in the model, such as bulk solids.
- The language in the RFQ should be clear that data upstream of WWTPs should be used, in addition to the downstream data that was used in the original watershed model.
- The Board discussed the desire for the project to model different storm sizes. It was recognized that this could add considerable cost to the project, and it should be made clear in the RFQ attachments that this would be negotiated with the consultant.

The document will be revised in accordance with the Board's discussion and emailed out to the group prior to the board's next meeting.

Remodel Contracting Process

- Rich explained that 319 prohibits contracting directly with a private firm. Therefore, a government entity or non-profit organization will act as primary contractor, and the remodel consultant will be a subcontractor. The RFQ proposes that a subset of SAB members participate on a selection panel with DWQ staff and the primary contractor to solicit qualifications from consultants, review the responses, select the subcontractor, and negotiate a final model design with them. Recognizing that TJCOG would be a potential primary contractor, COG staff was asked to step out for discussion of that part of the process. Board discussion then identified several points: Maximize model funds:

The NSAB expressed a desire for as much of the contract funds as possible to go towards the remodel work, as opposed to the primary contractor.

- Primary contractors: One concern is that they should not bias the outcome of the remodel work. In addition to TJCOG, other potential primary contractors identified were PTRC, UCFRBA, NCSU entities and local governments.
- The Board seemed amenable to a subset of members participating on a selection panel as proposed.

COG staff was readmitted to the room for the remaining discussion.

- Board members supported extending the end date for obtaining modeling deliverables and for receiving allocations and reduction needs beyond the July 2013 RFP proposal. The end of 2013 was discussed. They felt giving time for 'doing it right' was more important than having allocations for the July 2013 model program.
- Cost: DWQ shared that 319 has approximately $200,000 to $300,000 available for the contract. In terms of match, they shared that the nature of this project may allow the grant to relax its 40% requirement, and the NSAB's time may count as match.
- Local governments were asked if they were prepared to pursue funds through their administrations, in particular for the desired (but not essential) parts of the project. Local government representatives expressed concern over approaching their managers and elected boards without a more certain need and precise estimate for how much is needed. However, local governments are now planning their budgets for 2013, and would need to include this now to make this cycle.
- Cost Share: Discussion led to the idea of using a local cost sharing arrangement to generate contributions, and the COG's experience was recognized. In response to a question from the Board, Mike Schlegel explained that local governments have shared costs in other projects based on communities' relative stakes in the products. He gave examples and suggested for this case that developed land area could be a proportioning metric, or recognizing differing levels of interest in desired model features perhaps a proportional base contribution based on population or land area plus additional contributions based on interests.

Potential Future Agenda Items

- Approve final RFQ
- Follow-up on interpretative guidance for assigning load
- Formation of a NSAB Remodel Panel
- Revisit candidate practices and accounting methods

Next Meeting

- Unless specifically rescheduled, the first Friday of each month, 9:30 – 12:00 at TJCOG
- The next meeting is Friday, February 3rd, 2012 (cancelled).