



## Upper Neuse River Basin Association (UNRBA) Board of Directors (BOD) Meeting Agenda October 21, 2025, 9:30 AM to 11:30 AM

### **Virtual Meeting**

[Remote Access Only \(see last page for instructions\)](#)

Materials related to this BOD Meeting have been placed on the UNRBA website unless noted otherwise on the [Meeting Page](#). See items under the October 21, 2025, meeting date.

#### **I. Opening—Wendy Jacobs, Chair**

- A. Introductions and Announcements
- B. Roll Call for Quorum
- C. Identification of any Conflicts
- D. Review and Approval of Agenda

#### **II. Action Items**

- A. Approval of [September 17, Draft Board Minutes](#)
- B. Approval of the [October 2025 Treasurers Report](#)
- C. Approval of Letter of Engagement with Smith Anderson for Limited Support on Legal Aspects for Rulemaking and a Petition of Rulemaking

#### **III. Status Reports and Informational Items**

##### **A. Status of the Falls Lake Rules Readoption Process**

Item Summary (Forrest Westall): The background information we continue to provide on how this process has proceeded and a summary of the work the UNRBA has done to support revised rules is to remind everyone of the concentrated effort we have made to propose rules supported by science and vetted through an extensive stakeholder process.

The UNRBA submitted the [UNRBA Concepts and Principles for Reexamination](#) and [Consensus Principles II](#) to DWR and the Environmental Management Commission (EMC) on November 22, 2023. The NC Collaboratory submitted their final report in December 2023. These submittals trigger the initiation of the Falls Lake Rules Readoption Process under Session Law 2018-5. The UNRBA has been and will continue to be engaging in every aspect of this process and how management options or proposals may impact our efforts to achieve a balanced, realistic, technologically feasible, and effective set of new rules. Our efforts on working for a good set of rules will continue to reference the scientific basis for appropriate rules as reflected in our 10-year evaluation and the work of the Collaboratory as well and the UNRBA and member government adopted Concepts and Principles for revised Falls Lake Rules and Consensus Principles II.

Relative to rule readoption work, the UNRBA initiated an informal stakeholder process started in December 2024 with four rule workgroups. A summary of the drafts produced by the workgroups was presented to the PFC and revised by the PFC at their May 6, 2025; June 3, 2025; July 1, 2025; August 5, 2025; September 2, 2025; and October 7, 2025, [meetings](#). The UNRBA drafts have been available to DWR and key stakeholders during this process. On June 24<sup>th</sup>, the NC Division of Water Resources (DWR) hosted a Falls Rules Readoption Stakeholder Meeting. DWR provided the UNRBA their draft rules on August 25<sup>th</sup>. The Executive Director, support team, and PFC Co-Chairs met with DWR staff on August 28<sup>th</sup>, August 29<sup>th</sup>, and September 16<sup>th</sup> to discuss DWR's drafts.

The PFC decided at their September 2<sup>nd</sup> meeting to work to incorporate some of DWR's draft language into our draft without compromising critical aspects of the UNRBA draft. Following that effort, a revised UNRBA

set of rules was reviewed and considered at the October 7<sup>th</sup> PFC meeting. The updated drafts were distributed on September 8<sup>th</sup> and 18<sup>th</sup>.

Following a discussion between the Executive Director and Richard Rogers, Director of DWR, it was agreed that a high-level meeting between the UNRBA and DWR/DEQ/EMC was needed to try and resolve key differences between the draft UNRBA rules and those developed by DWR. The UNRBA Chair, Executive Director, PFC Co-Chairs, and support team met with DWR leadership and the EMC Chair on September 24<sup>th</sup>, to begin these discussions and October 7<sup>th</sup> to press forward on working to reach a level of agreement on specific key components of the rules. The October 7<sup>th</sup> meeting achieved potentially acceptable compromises on several critical issues of disagreement in the Purpose and Scope, Existing Managed Lands, and New Development Rules and a commitment to continue efforts to reach a compromise on the Wastewater Rule and the load allocations. DWR leadership is reviewing information provided by the UNRBA about this allocation and is expected to provide a response and proposal for the point source allocation to be included in the rules soon. This response is expected to include a proposal for providing an allocation for the three major wastewater treatment plants that will provide reasonable and feasible nutrient allocations through the period of the revised Falls Lake Rules (under state law, all rules must be reviewed and if found “necessary” be readopted every 10 years). These adjusted allocations are being evaluated within context of the significant nitrogen load reductions achieved in the watershed since 2006 (nearly 400,000 pounds of nitrogen per year). A follow-up meeting is being scheduled and will occur after October 21, 2025, Board meeting.

Ahead of this meeting, the Executive Director distributed to the Board redline and clean versions of the UNRBA’s draft rules, modified from the clean September versions to reflect the compromises discussed with DWR leadership and the EMC Chair on October 7<sup>th</sup>. These versions also reflect input from the PFC during and following their October 7<sup>th</sup> meeting. The basis of these recent revisions and other background information is summarized in the supplemental notes at the end of each document. Because of the progress made during these recent discussions, these drafts are provided to the Board as an information item. As a result of these efforts, we do not plan to take our draft rules to the EMC as an information item in November. It seems very possible that we will continue to make progress on developing one set of rules that can be taken forward by DWR with the UNRBA’s concurrence. However, work remains, and the UNRBA must keep its options open in working to achieve a balanced, realistic, technologically feasible, and effective set of new rules. The ongoing impacts of the Falls Lake Rules, even following revision, will continue to place a heavy burden on the jurisdictions, the citizens of the watershed, and those doing business in the watershed. The October drafts of the UNRBA rules provide a reasonable starting point to continue progress in working with DWR and DEQ to produce a draft that can be taken to the EMC.

The PFC requested a schedule of milestones for submitting a rule package to the EMC, either jointly with DWR (preferred) or as separate petition for rule making. We are working on this. We continue to note that the submittal of draft rules to the EMC for approval to go to notice also requires development of a fiscal note by DWR. The UNRBA has been compiling supplemental fiscal information to support this effort, as we have relayed to DWR/DEQ/EMC. All developed supporting information will need to be reviewed by the PFC and the Board. Approval by the Board is required before it is submitted to DWR. Developing the UNRBA’s economic information is important to timely re Adoption of the rules. Once the supporting fiscal information has gone through the UNRBA approval process, the formal process can begin. Whether we submit a package with DWR or separately, a target date of March 2026 is reasonable to complete these steps and submit a package to the EMC

Water Quality Committee (WQC). If the WQC approves the package, it would go to the full EMC in May 2026. Public hearing likely would not occur before July 2026. This would begin a rules review process that is projected to send a rules package to the Rules Review Commission in March 2027.

As a status item, House Bill [926](#) was approved by the House and the Senate and is now law. We have revised our New Development Rule accordingly and notified our members that this law is in effect.

The following topics summarize the October discussions and resulting edits to each rule section. Areas of further discussion are noted.

**B. Purpose and Scope Rule and Falls-Specific Assessment Methodology**

Item Summary (Alix Matos): During and after the October 7<sup>th</sup> meeting, the PFC discussed and provided input on the following:

- UNRBA's proposed 4B framework to work toward meeting the chlorophyll-a standard with incremental improvements supports other aspects of DWR's and UNRBA's draft Existing Managed Land Rule to allow an investment-based compliance approach
- How to best include the goal of integrated watershed health and consideration of watershed co-benefits in the rule. Donna Myers of American Rivers and Michelle Woolfolk of City of Durham volunteered to work through the specific discussed sections and develop language together following the meeting. A call was scheduled for October 9<sup>th</sup>. The October version shows the edits reflective of that working meeting.
- An alternative to proposing a Falls-specific assessment methodology was identified that would result in including a provision in the Rules for a DWR commitment to work with the UNRBA and stakeholders to develop a site-specific chlorophyll-a standard for Falls within seven years of the adoption of revised rules. This provision is aimed at a standard that can be taken to notice five years before the readoption of the rules 10 years following finalizing the revised Falls Lake Rules. This future effort would need to address the issue of a small number of samples triggering noncompliance when Falls is monitored much more intensely than other NC lakes and reservoirs. This compromise was discussed during the October 7<sup>th</sup> meeting with DWR leadership and the EMC Chair and during the October 9<sup>th</sup> working meeting with Michelle and Donna. The October version shows the edits reflective of these discussions to remove the UNRBA's proposed Falls-specific assessment methodology. The October version also modifies reporting to ten-year reports. Some language from UNRBA's proposed assessment approach has been moved into the ten-year report for tracking progress. For this necessary component for developing a site-specific Falls Lake Standard to happen, the UNRBA and DWR will have to remain committed to the effort to develop a more appropriate standard.
- DWR does not want monitoring requirements in the rules; the Water Quality Protection Plan (WQPP) can include a binding commitment between UNRBA and DWR and address items like monitoring.
- Concern with Water Supply Waters section and that this rule needs to be nutrient focused, not bring in other parameters like metals; draft was edited to reference S.L. 2012-187 (Section 12.1).
- Need to clarify the language around stability metric: if the metric is within these ranges, this is an indication of stability; not "the metric shall..."; draft was edited accordingly

During the October 7<sup>th</sup> meeting with DWR leadership and the EMC Chair, the following were discussed:

- DWR leadership agreed that working together on a site-specific standard before the next rules readoption cycle seems appropriate; would need to identify the correct subject matter experts.
- Forrest mentioned Dr. Marty Lebo and Dr. Nathan Hall who served on NC Scientific Advisory Council for High Rock Lake site-specific standard development. Dr. Hall also has evaluated zooplankton and chlorophyll-a relationships, nitrogen cycling, etc., in Falls Lake. Other Collaboratory researchers have

studied algal toxins, nutrient cycling, etc. that may also be considered. The October draft includes a new item to address this collaborative process.

- Discussed the need for monitoring at least the largest five tributaries to Falls Lake to evaluate nutrient loading and progress. Discussed funding and staffing shortfalls that constrain options. DWR currently monitors Falls Lake at 12 stations. UNRBA has proposed reducing that to six stations and adding five tributary stations. A comment has been added to the draft rule to address monitoring in the WQPP as noted above.

### C. Existing Managed Lands Rule

Item Summary (Alix Matos): During and after the October 7<sup>th</sup> meeting, the PFC discussed and provided input on the following:

- Impacts of DWR's proposed 15% per year limit on claiming early implementation credit This topic was not discussed in any detail with DWR leadership and the EMC Chair and may require a separate discussion. We plan to address this considering the following:
  - DWR's draft August wording could cause a jurisdiction to have to do more than the rules would otherwise require; DWR staff indicated that is not their intent
  - PFC discussed that limits on early implementation credit will discourage early implementation moving forward; the result will be that parties will not want to implement projects until after a set of rules are readopted to ensure they get full and immediate credit; this is not a good approach for water quality protection that relies on incremental progress.
- Comment that local governments should only be required to reduce nutrient loading from existing development that they own due to statutory limitations on their authority. Discussed that UNRBA rules indicate partnerships with willing landowners to try to address this issue. Comment added to note this discussion.
- Comment that the exclusion of agriculture as a regulated entity had been removed from the draft. **Edited** the October draft to include "Existing development excludes Agriculture as defined in G.S. 106-581.1."

During the October 7<sup>th</sup> meeting with DWR leadership and the EMC Chair, the following areas of the rule were also discussed:

- DWR leadership proposed that land conservation projects be credited for 100 percent investment credit if the project is permanently protected (e.g., conservation easement) and has a documented plan for the tract(s) including planned projects and activities to improve water quality. The improvements do not have to apply to the entire project area, only the portions of the project area where such actions are needed or possible. All projects will need to address this documentation requirement to receive full credit. The October version has been edited: "to receive credit pursuant to this Item, the regulated entities proposing a land conservation project shall document the planned projects or activities to be implemented within the project boundary to improve water quality"
- Group discussed the administrative burden associated with 2-yr planning projections and that DWR staff had been receptive to this input during the September and October PFC meetings. DWR leadership requested copies of the IAIA Program Document, reporting template, and an example summary annual report. DWR leadership and the EMC Chair indicated that compliance with the reporting dates for these annual reports, given the inputs required by the template, would be sufficient to track implementation. The PFC Co-Chairs reiterated that compliance with annual investment levels is not possible without planning, but that site constraints, grant funding, and extreme weather events require them to be

nimble when putting projects in the ground. This is consistent with recent discussions with DWR staff. Comment added to rule to reflect discussion.

- The EMC Chair stated he did not want the EMC to have to approve updates to the SNAP tool (this was seen as potentially very time consuming, and too technically oriented to fit well with the role of the Commission). We shared that our workgroup members want to have some kind of public access allowing review of the tool and its functional application before a new tool is required for use. We discussed laying out requirements for DWR in the Rule prior to requiring use of new SNAP tool. We generally discussed some minimum period of beta-testing, a certain number of DWR training workshops in the Falls Basin, etc. The Rules would likely specify approval by the Division Director, again, with some steps for evaluating tool operation, performance and review by the public prior to DWR presenting to the Director for approval. The redline edits in this draft reflect this discussion.

#### **D. New Development Rule**

Item Summary (Alix Matos): During the October PFC meeting, time constraints limited discussion on the New D Rule part of the presentation. To expand the opportunity for input, we sent the slide content from the presentation to the New D workgroup and stakeholders who had commented on the September 18<sup>th</sup> version of the New D Rule. We requested feedback from this group by close of business on October 10<sup>th</sup> for incorporation into the draft rule being refined for distribution to the UNRBA Board as an information item.

- One comment requested input from DWR on implementation of the runoff volume match requirement. This comment has been added to the October version of the rule and this topic will be added to the upcoming UNRBA workshop on best practices for implementing the new development rules (anticipating for spring 2026).
- Another comment noted that the exclusion of agriculture from the new development rule had been removed in the September draft. To address this comment, the Development Excluded section was **edited** to explicitly exclude “agriculture as defined in G.S. 106-581.1.”

During the October 7<sup>th</sup> meeting with DWR leadership and the EMC Chair, the following were discussed:

- DWR leadership agreed to keep the loading target at 2.2 pounds of nitrogen per acre per year with a primary SCM if BUA was greater than 12% (as discussed in our workgroup meetings) rather than the new proposal in DWR’s draft for variable onsite and overall targets using a revised SNAP tool
- They also agreed not to require us to use DWR’s new SNAP tool until it was fully developed, beta tested, trainings offered, released for wide public review, and other important vetting steps before it would be required. The discussion above concerning EMC approval also speaks to this issue.
- The EMC Chair stated he did not want the EMC to approve updates to the SNAP tool (see bullet above on this topic in the Existing Managed Lands section).

#### **E. Wastewater Rule**

Item Summary (Alix Matos): During and after the October 7<sup>th</sup> meeting, the PFC discussed and provided input on the following:

- Challenges with current Stage I load allocations which restrict the WWTPs to much less than their permitted hydraulic capacity;
- 80/90 Rule (percentages of permitted hydraulic capacity) and implications for future planning;

- Summarized the September 24<sup>th</sup> meeting with DWR leadership and the EMC Chair and mentioned the upcoming meeting the afternoon of October 7<sup>th</sup>
- Noted that the outcome of the afternoon meeting would likely determine the path for rules readoption (either cooperatively with DWR or as a separate petition for rule making).

During the October 7<sup>th</sup> meeting with DWR leadership and the EMC Chair, the following were discussed:

- At the September 24<sup>th</sup> meeting, DWR leadership had requested information on the amount of nitrogen reduction achieved since the baseline period of the Falls Rules to determine if some could be re-allocated to the WWTPs so they could use more of their permitted hydraulic capacity. The PFC Co-Chairs stated that the WWTPs were built decades prior to the 2011 Falls Rules and were still being financed. As a result of the 2011 rules, the three major WWTPs were upgraded to five-stage biological nutrient removal (the limits of current technology), and those upgrades are also still being financed.
- UNRBA provided a document comparing baseline and 2015-2018 nitrogen loading to Falls Lake based on DWR's past lake modeling (2005 to 2007), UNRBA's updated watershed and lake modeling (2015 to 2018), DWR's 2021 Falls Lake status report, UNRBA's 2019 Monitoring Report, UNRBA's watershed modeling report, and UNRBA's lake modeling report. Nutrient loading from tributaries (including wastewater treatment plants), atmospheric deposition directly to Falls Lake, and nutrient releases from Falls Lake sediments were compared for the two periods. Because the 2005 to 2007 period had dry to average rainfall, and the 2015 to 2018 period had average to wet rainfall, the precipitation inputs to the UNRBA watershed were adjusted down by 20%. This scenario had already been run and documented in the UNRBA watershed model report for comparison to the baseline period. This approach was fully covered in discussions with the PFC.
- Comparing the load reduction from 2015 to 2018, assuming a hydrologic condition similar to 2005 to 2007, yields a reduction in total nitrogen load delivered to Falls Lake of almost 400,000 pounds of nitrogen per year (396,211 lb-N/yr).
- Additional reductions will occur over time under the readopted Falls Rules due to investments in watershed health projects, continued implementation of the new development rule which was designed to incrementally reduce nitrogen load, continued reductions in atmospheric deposition of nitrogen, and continued reductions in nitrogen releases from the sediments within Falls Lake.
- Given the 400,000 pound per year reduction achieved since baseline and the continued load reductions that will occur under the readopted Rules, DWR leadership indicated an increase in the WWTPs' allocations was warranted and would likely be approved by EPA. They indicated they would further review the document UNRBA generated to determine the reduction that has occurred and develop a proposal for future discussion regarding an increased allocation. As noted, a follow-up meeting is being scheduled.

Edits to the October draft wastewater rule are based on the October 9<sup>th</sup> meeting with Michelle Woolfolk and Donna Myers. Additional edits to this file may occur once DWR provides a proposal for adjusted nitrogen allocation. The next meeting between UNRBA, DWR leadership, and the EMC Chair will occur after the October 21<sup>st</sup> Board meeting. Thus, the distributed file reflects the currently available information, and we anticipate it will be updated as DWR and UNRBA continue to work together on a joint set of Falls Rules.

**F. Extension of IAIA Program**

Item Summary (Forrest Westall): The Stage I Existing Development Interim Alternative Implementation Approach (IAIA) was developed as a five-year program with an option to extend the program until the Falls Rules are readopted. The five-year period ends June 2026, and the schedule for Falls Rules readoption targets March 2027 as the earliest adoption date. Thus, the IAIA program will need to be extended. During the November 19, 2025, UNRBA Board meeting, we will include a Compliance Group Committee (CGC) meeting, and they will consider authorizing the Executive Director to work on modifying the UNRBA Bylaws (Attachment B) and drafting a request to the EMC to approve an extension of the IAIA program for five additional years or until the Falls Rules are readopted and an updated watershed protection plan is developed and approved by the Commission (i.e., an updated Program Document). During the November meeting, the CGC will also review and consider for submission the UNRBA IAIA Summary Report for Year Four which ended June 30, 2025. Annual reports from each individual participant were due by September 30, 2025, to DWR with a copy to Forrest and Alix to allow for generation of the UNRBA Summary Report.

**G. Continued Rule Development for Jordan Lake and High Rock Lake Watersheds**

Item Summary (Forrest Westall): We continue to monitor DWR's draft proposal for nutrient management rules for the High Rock Lake Watershed and their rules readoption process for the Jordan Lake Watershed. We remain concerned that these processes could negatively impact the Falls Lake rules readoption process, both in timing and in trying to "set" an approach for nutrient management that could be inconsistent with the recommendations of the UNRBA. The UNRBA seeks to ensure that productive programs continue in Falls and are not put at risk by seeking new and potentially more restrictive requirements which could generate considerable pushback by stakeholders. Our preliminary look at the proposals that have recently been distributed have not adequately addressed our concerns. We should not let these other processes hamper the well-developed and researched UNRBA recommendations for the Falls Lake Rules readoption.

**H. Communications Support**

Item Summary (Forrest Westall): The work with DWR on the revised Falls Lake Rules continues and will have additional meetings to gather input from NC Collaboratory staff, researchers, and representatives of NGOs. As we have continued to do, we encourage our jurisdictions to identify additional communication needs and to request support from the UNRBA team as needed. Recent, ongoing, or upcoming activities are noted below:

- Status updates to the EMC
- Planning a meeting with the new Secretary of DEQ
- Planning a meeting with staff from the NC Office of State Budget Management
- Meeting with EPA

The "open" nature of all UNRBA meetings remains a key component of a transparent communications approach. We encourage representatives and interested individuals to speak up about ideas and opportunities to communicate our work and the importance of our recommendations on a revised strategy and a site-specific standard. We also continue to look to our engaged membership representatives to use materials developed to help with communication within their jurisdictions. We remain available to assist with any presentations/meetings that are set up to discuss Falls Lake and the status of our work and the rules readoption process.

**I. Ongoing Discussions/Issues:**



Item Summary (Forrest Westall):

- Ongoing NC State University UNRBA and Jordan Lake One Water research study
- Impacts on implementation of nutrient requirements in light of PFAS/PFOS and other emerging requirements on wastewater management costs to local governments

**J. Closing Comments—Board Members and Chair**

**Next PFC Meeting: November 4, 2025, 9:30 AM to 12:00**

**Next Board Meeting: November 19, 2025, Butner Town Hall, 9:30 AM to Noon**

**This schedule may be revised, and notices will be provided about any change.**

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- UNRBA meetings are open meetings; however, please **limit the discussion to UNRBA Board Members** to facilitate moving through action items