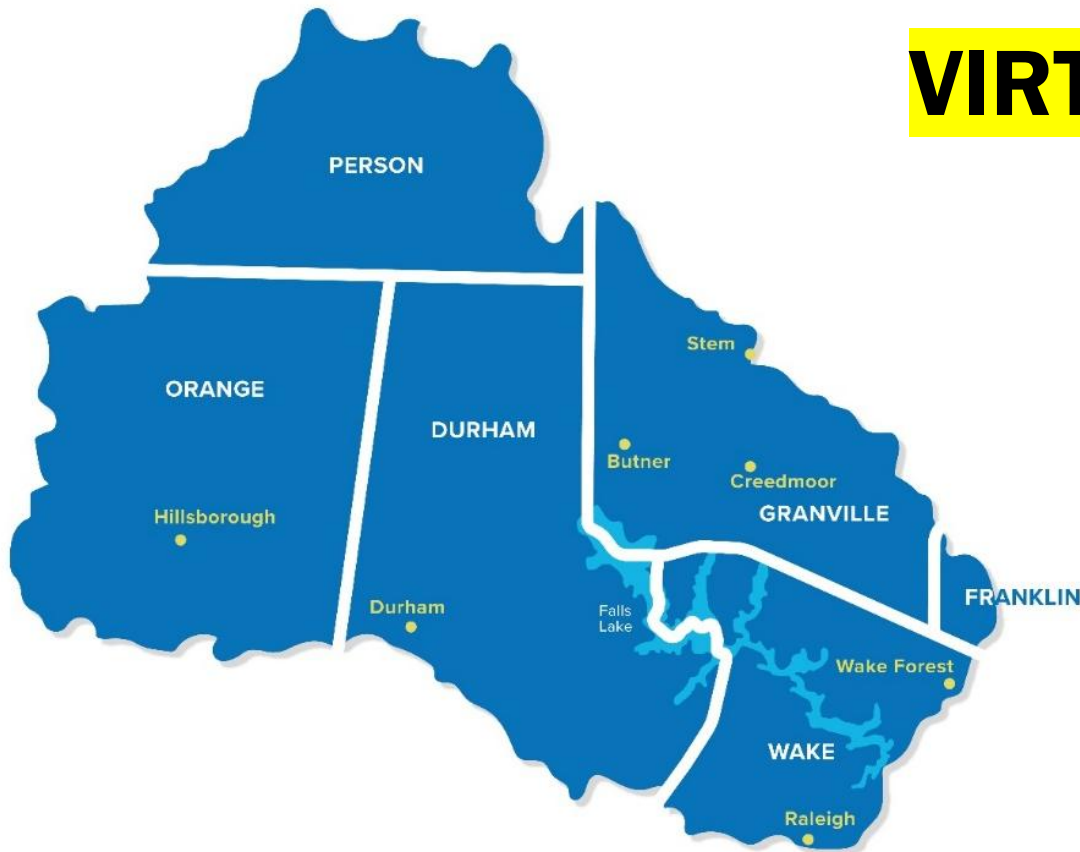




UNRBA Board Meeting October 21, 2025

VIRTUAL MEETING



October 21, 2025, UNRBA Board Agenda

- **Opening—Wendy Jacobs, Chair**
- **Action Items**
 - Approval of [September 17, 2025, Meeting Minutes](#)
 - Approval of the Treasurer's Report
 - Approval of Letter of Engagement with Smith Anderson for Limited Support on Legal Aspects for Rulemaking and a Petition of Rulemaking
- **Status Reports and Informational Items**
 - Status of the Falls Lake Rules Readoption Process
 - Purpose and Scope Rule
 - Existing Managed Lands Rule
 - New Development Rule
 - Wastewater Rule
 - Extension of IAIA Program
 - Continued Rule Development for Jordan Lake and High Rock Lake Watersheds
 - Communications Support
 - Ongoing Discussions/Issues
- **Closing Comments**

Opening

Opening

- Introductions and announcements
- Roll call for quorum
- Identification of any conflicts
- Review and approval of agenda

Action Items of UNRBA Board of Directors

**Approval of September 17, 2025,
Meeting Minutes ([link](#))**

Legal Fund Balance

Legal Rsv

\$588,204.92 24/25 YE

\$100,000.00 25/26 Allotment

\$688,204.92 Total

\$ (43,856.99) B+T

\$644,347.93

Approval of the Treasurer's Report

Balance Forward: (per bank statement - 08/31/2025)		Checking	\$	577,976.57
		Savings		1,287,003.21
Debits:				
	Penn National Insurance		\$	667.00
	WSP, Inc (Aug Invoice)			4,880.00
	Winston, Williams, Creech, Evans & Co.			950.00
Total Debits			\$	6,497.00
Credits:				
	Interest (checking)		\$	70.69
	Interest (savings)			3,177.17
	Membership Dues			
Account Balance (per bank statement - 09/30/2025)		Checking	\$	571,550.26
		Savings		1,290,180.38
Total UNRBA Account Balances:			\$	<u>1,861,730.64</u>

Outstanding invoices/deposits in process since the close of bank statement (09/30/2025):

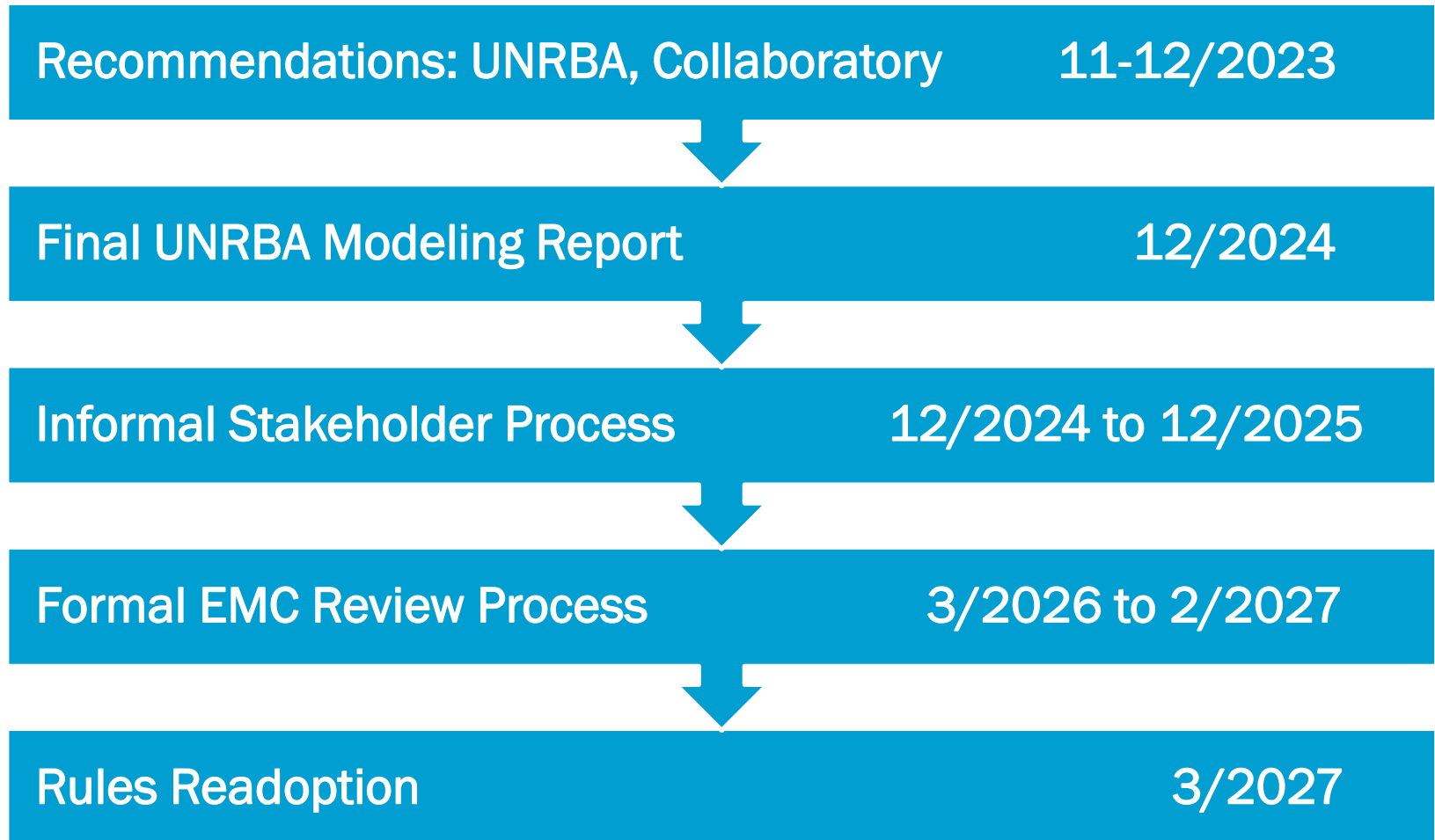
Debits:				
	McGill Associates (Aug Invoice)			20,770.97
	WSP (Sept Invoice)			2,200.00
	Brown & Caldwell (Aug Invoice)			43,107.11
Credits:				
Current Account Balances:		Checking	\$	505,472.18
		Savings		1,290,180.38
Total UNRBA Account Balance :			\$	<u>1,795,652.56</u>

Approval of Letter of Engagement with Smith Anderson for Limited Support on Legal Aspects for a Petition of Rule Making

Status Reports and Informational Items

Status of the Falls Lake Rules Readoption Process

Rules Readoption Schedule



UNRBA: Upper Neuse River Basin Association
EMC: Environmental Management Commission

Status of UNRBA Rule Development

- The UNRBA is extremely grateful to the workgroup members, PFC, and stakeholders for their support developing draft rules
- Iterative versions of UNRBA drafts have been made available to DWR and stakeholders for review during this process
- DWR provided its Rule drafts to the UNRBA on August 25th
- In September, the UNRBA integrated some DWR draft rule language into its rules and the PFC reviewed
- In October, UNRBA, DWR leadership, and the EMC Chair met to discuss compromises on rule concepts
- UNRBA made edits to its rules in October to reflect these compromises and input from the PFC in October
- Updated UNRBA drafts were distributed to the Board ahead of this meeting
- Discussions with DWR and EMC continue on nutrient allocations for the wastewater treatment plants
- The UNRBA has decided not to take draft rules to the EMC in November and rather provide a joint status update with DWR

Next Steps for Submitting a Rule Package

- UNRBA will continue to work with DWR on a joint set of rules but retains the option to submit a petition for rule making
- Whether submitting jointly or independently, the package must include a fiscal note developed by DWR
- The UNRBA has been compiling supplemental fiscal information to support this effort.
 - This document will also need to be reviewed by the PFC and the Board and then approved by the Board for submittal.
 - Developing the UNRBA's economic information is important to timely readoption of the rules.
 - Once the supporting fiscal information has gone through the UNRBA approval process, we will provide to DWR so the formal process can begin.

Anticipated Milestones for Rules Readoption

- November 2025 – UNRBA finalize draft rule language (hopefully with DWR)
- December 2025 – PFC approve final rule language and review supplemental fiscal information
- January 2026 – UNRBA Board approves package for submission to EMC Water Quality Committee (WQC)
- March 2026 – target for submitting the rule package to the EMC WQC
- May 2026 – package to the full EMC if approved by WQC
- July 2026 – earliest potential public hearing
- March 2027 – earliest target for EMC to send package to the Rules Review Commission

House Bill 926 - Status

MODIFY THE FALLS RESERVOIR WATER SUPPLY NUTRIENT STRATEGY RULES TO EXEMPT NEW RESIDENTIAL DEVELOPMENT DISTURBING LESS THAN ONE ACRE: SECTION 9.(b) Falls Lake New Development Rule. – Until the effective date of the revised permanent rule that the Commission is required to adopt pursuant to Section 9(d) of this act, the Commission shall implement the Falls Lake New Development Rule as provided in Section 9(c) of this act.

SECTION 9.(c) Implementation. – Except as required pursuant to federal law or permit, **no stormwater permit, management plan, or post-construction stormwater controls shall be required under the Falls Lake New Development Rule or local ordinances adopted thereunder for single family and duplex residential and recreational development that cumulatively disturb less than 1 acre, which is not part of a larger common plan of development.**

Notwithstanding any authority granted under the Falls Lake New Development Rule or pursuant to other statute or rule, no local government may establish requirements more restrictive than that established by this section.

SECTION 9.(d) Additional Rulemaking Authority. – **The Commission shall adopt a rule to amend the Falls Lake New Development Rule consistent with Section 9(c) of this act.**

House Bill 926 was approved by the House and by the Senate and is now law. We have revised the New Development Rule and notified our members.

Purpose and Scope Rule and a Falls-Specific Lake Assessment Methodology

Summary of October PFC Discussion and Follow-up

- 4B framework - work toward meeting the chlorophyll-a standard
- Integrated watershed health and consideration of watershed co-benefits
- Alternative to proposing a Falls-specific assessment methodology – DWR to work with stakeholders and subject matter experts on a Falls site-specific chlorophyll-a standard before the next rules readoption cycle
- Placing monitoring requirements in the water quality protection plan (WQPP) rather than in Rule
- Addressing language regarding Water Supply Waters
- Clarifying the stability metric established by Dr. Marty Lebo for determining if Falls Reservoir is stable

Summary of October Meeting with DWR Leadership and EMC Chair

- 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.
- 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 DWR's monitoring efforts.

Existing Managed Lands Rule

Summary of October PFC Discussion and Follow-up

- Impacts of DWR's proposed 15% per year limit on claiming early implementation credit
 - Potentially forces more load reduction than required
 - DWR indicated that is not their intent
 - Discourages and penalizes early implementation
- 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.
 - UNRBA rules indicate partnerships with willing landowners to try to address this issue.
- 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."

Summary of October Meeting with DWR Leadership and EMC Chair

- DWR leadership proposed that land conservation projects be credited for 100 percent investment credit if the project is permanently protected and has a documented plan for the tract(s) including planned projects and activities to improve water quality.
 - 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”
- The EMC Chair stated he did not want the EMC to have to approve updates to the SNAP tool
 - Group discussed public release for review, a beta-testing period, workshops/trainings, and an input process prior to Director approval

Summary of October Meeting with DWR Leadership and EMC Chair

- Group discussed the administrative burden associated with 2-yr planning projections.
 - DWR leadership and the EMC Chair indicated that compliance with the reporting dates for the IAIA annual reports would be sufficient to track implementation.
 - 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.

New Development Rule

Summary of October PFC Discussion and Follow-up

- Time constraints limited discussion on the New D Rule part of the presentation during the October 7th PFC meeting
- We requested feedback from the New D workgroup and stakeholders who had commented on the September 18th version of the Rule
- One comment requested input from DWR on implementation of the runoff volume match requirement
 - Comment added to the October draft
 - Topic will be added to the upcoming UNRBA workshop on best practices for implementing the new development rules (anticipating spring 2026)
- Another comment noted that exclusion of agriculture from the draft rule had been removed in the September version.
 - Edited the Development Excluded section to explicitly exclude “agriculture as defined in G.S. 106-581.1.”

Summary of October Meeting with DWR Leadership and EMC Chair

- 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 to not 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 EMC Chair stated he did not want the EMC to approve updates to the SNAP tool

Wastewater Rule

Summary of October PFC Discussion and Follow-up

- 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 24th meeting with DWR leadership and the EMC Chair and mentioned the upcoming meeting the afternoon of October 7th
- 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).

Summary of October Meeting with DWR Leadership and EMC Chair

- At the September 24th meeting, DWR leadership had requested information on the amount of nitrogen reduction achieved since the baseline period to determine if some could be re-allocated to the WWTPs to 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.
- 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).

Summary of October Meeting with DWR Leadership and EMC Chair

- 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
 - Continued reductions in nitrogen releases from the sediments within Falls Lake
- Given the reduction achieved since baseline and the continued load reductions that will occur, 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 provided to determine the reduction that has occurred and develop a proposal for future discussion regarding an increased allocation.
- A follow-up meeting is being scheduled.

Extension of the IAIA Program

Extension of IAIA and Submitting Year 4 Reports

- IAIA is approved as a five-year program with an option to extend until Falls Rules are readopted.
 - The five-year period ends June 2026
 - Likely rule readoption date no sooner than March 2027
 - IAIA program will need to be extended.
- During the November 19, 2025, UNRBA Board meeting, we will include a Compliance Group Committee (CGC) meeting
 - Review and approve the Year 4 UNRBA Annual Summary Report to DWR and the EMC
 - Authorize the Executive Director to work on modifying the Bylaws and drafting a request to the EMC to approve an extension of the IAIA program
 - Five 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](#))

Continued Rule Development for Jordan Lake and High Rock Lake Watersheds

Continued Rule Development for Jordan Lake and High Rock Lake Watersheds

- Continue to monitor DWR's
 - Draft rules for the High Rock Lake Watershed
 - Rules readoption process for Jordan Lake Watershed
- Concerned that these processes could negatively impact
 - The Falls Lake rules readoption process and timeline
 - Could be inconsistent with the UNRBA's recommendations
- Seek to ensure that productive programs continue in the Falls watershed and are not inadvertently put at risk by seeking new and potentially more restrictive requirements which could generate considerable push back by stakeholders.

Communications Support

Communications Outreach and Preparation to Support Rule Readoption

- Continue to coordinate with DWR
- Additional opportunities for public input during the formal EMC process
- Jurisdictions should identify additional meetings where support from the UNRBA team is needed.
- The “open” nature of all UNRBA meetings remains a key component of a transparent communications approach.
- We encourage member 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.

Additional Information and Activities

- 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

Ongoing Discussions/Issues

Ongoing Discussions/Issues

- 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. DWR developing an implementation plan for control of these pollutants—EMC to review

Closing Comments

**Next UNRBA PFC Meeting
November 4, 2025
Butner Town Hall
9:30 AM to 12:00 PM**

**Next UNRBA Board Meeting
November 19, 2025
Butner Town Hall
9:30 AM to 12:00 PM**