



UNRBA PFC Meeting

March 3, 2026

9:30 AM to 12:00 PM

In Person at Butner Town Hall with Virtual Option
(see agenda for remote access instructions)



Agenda

- Opening comments, agenda review/revisions
- Status and timeline for Falls rules readoption
- Discuss Budget for FY2027
- Planning PFC Workshop on Best Practices for Implementing Falls Rules
- Communications
- Other Items
- Closing comments

Opening Comments, Agenda Review/Revisions

Status and Timeline for Falls Rules Readoption

Status of Development of Draft Rule Language

Rule Section	Status
Purpose and Scope	<ul style="list-style-type: none">• DWR provided draft to Executive Director in February• DWR and UNRBA support team met to discuss in February• DWR updated the draft in February following the discussion
Agriculture	<ul style="list-style-type: none">• DWR and NC Department of Agriculture and Consumer Services has drafted rule• Draft Existing Managed Lands Rule developed by DWR allows for voluntary participation by farmers and landowners in the investment-based group compliance program in the Draft Existing Managed Lands Rule (latest draft in February 2026)
New Development, Existing Managed Lands	<ul style="list-style-type: none">• DWR provided drafts in December to Executive Director• DWR/UNRBA met in December to discuss• DWR provided updated drafts in February following the discussion
Wastewater	<ul style="list-style-type: none">• DWR and UNRBA having been discussing since September• Draft anticipated in February

Stakeholders will review refined drafts and DWR will host an “all stakeholders” meeting before rules are submitted for consideration by the WQC.

DWR's February Draft Purpose and Scope Rule

DWR's Feb. Draft Purpose and Scope Rule

- PURPOSE:

“...restore and maintain nutrient-related water quality standards identified in Rule .0211 of this Subchapter in Falls of the Neuse Reservoir; to protect and maintain its classified best uses as set out in Rule .0216 of this Subchapter, including use as a source of water supply for drinking water; and to maintain and enhance protections currently implemented by local governments in existing water supply watersheds encompassed by the watershed of Falls of the Neuse Reservoir”

This language is consistent with the UNRBA October 27, 2025 draft. We had also included the following statement at the suggestion of American Rivers but it was not included in DWR's draft.

DWR's Feb. Draft Purpose and Scope Rule

- SCOPE:

“The Falls nutrient strategy rules require management actions and controls that reduce nitrogen and phosphorus loads from sources of these nutrients throughout the Falls watershed.”

This language does not include the words “anthropogenic” or “managed” and could be read as “all” sources including forests and other unmanaged areas that make up half of the load and 75% of the watershed area. Also, the required reductions were increased to offset loading from managed sources which the old model underestimated.

DWR's Feb. Draft Purpose and Scope Rule

- GOALS:

“To achieve the purpose of the Falls nutrient strategy, the Commission established the initial Falls nutrient strategy rules in January 2011 with a staged and adaptive implementation plan to achieve and maintain nutrient-related water quality standards throughout Falls Reservoir with an estimated reduction goal of 40 and 77 percent in nitrogen and phosphorus loading, respectively, delivered to Falls Lake, from a baseline year of 2006. This amended strategy shall continue to apply an adaptive management approach, with rules designed to contribute towards these goals.”

DWR indicates these percent reductions goals are “aspirational.”

Note that ~50% of nitrogen and phosphorus loading to Falls Lake comes from forests and other unmanaged areas like wetlands. Reference to water quality standards has been removed and may result in having to implement these rules toward these long-term reductions in perpetuity. These values are based on the old model and are not achievable.

DWR's Feb. Draft Purpose and Scope Rule

- ADAPTIVE IMPLEMENTATION – five-year reports
 - **Compliance** with the Falls nutrient strategy
 - Changes or trends in nutrient loading to the lake and waters
 - Changes or trends in precipitation and system responses
 - Changes in scientific understanding, technology, analytical methods
 - Changes in both regulated and unregulated watershed activity, including effects of actions taken under this and other applicable regulations

UNRBA had drafted these as more comprehensive ten-year reports. DWR's list does not include changes in lake water quality or data/information informing designated uses: biovolume and algal group data, changes to the quality and treatability of Falls Reservoir as a raw water supply, fishery and other wildlife impacts. DWR references "compliance" which here and in the goals are to achieve 40 and 77 % TN and TP reductions, respectively.

Text shown is DWR's proposed language. UNRBA comments are in boxes.

DWR's Feb. Draft Purpose and Scope Rule

- ADAPTIVE IMPLEMENTATION - monitoring
 - DWR to **maintain** monitoring of lake and watershed
 - Accept data from other entities that follow quality assurance protocols
 - Use of “**suitable**” data for assessment compliance, estimating delivered loads, etc.

The word “perform” has been replaced with “maintain.” As DWR does not currently monitor Falls Watershed, we don't think this helps with the lack of tributary monitoring that we have voiced over the past few years. Tributary water quality monitoring is essential to understanding the nutrient loading changes from the watershed.

DWR's Feb. Draft Purpose and Scope Rule

- ADAPTIVE IMPLEMENTATION – site-specific standard

“By 2034 the Nutrient Criteria Development Plan (NCDP) Scientific Advisory Council (SAC) shall evaluate the existing chlorophyll a water quality standard and recommend a site-specific standard for Fall Reservoir for consideration by the Commission. The NCDP SAC shall follow the plan approved by the U.S. Environmental Protection Agency (EPA) in 2019, including any subsequent amendments approved by EPA.”

This is very different than the UNRBA October 2025 draft which said “In cooperation with the Falls Lake Watershed Association, limnological subject matter experts, and other interested parties, the Division shall develop a site-specific Falls Reservoir chlorophyll-a standard pursuant to § 143-214.3” which requires consideration of the costs and feasibility of more restrictive nutrient controls, incremental benefits to water quality, social and economic impacts, and benefits to public health, safety, or welfare. There are many issues related to the use of DWR’s current Nutrient Criteria Plan. This is not an acceptable approach.

Text shown is DWR’s proposed language. UNRBA comments are in boxes.

DWR's Feb. Draft Purpose and Scope Rule

- NUTRIENT OFFSETS

“Where rules of the Falls nutrient strategy allow the use of nutrient offsets toward compliance, offset credits shall be developed according to the requirements of Rule.0703 of this Subchapter; provided that impacts within the Falls Lake watershed shall be offset only by nutrient load reductions achieved within the Falls Lake watershed.”

Draft eliminates previous requirements to include delivery factors in credit assessment. This approach is consistent with no delivery factors in the current rules. Delivery factors will favor the movement of offset projects to closer to the lake. The overall benefits of the investment-based approach is to also provide improvements in WQ throughout the watershed.

DWR's Feb. Draft Purpose and Scope Rule

- ENFORCEMENT

“Failure to meet **requirements** of Rules .0750, .0751, .0752, .0753, or .0754 of this Section may result in imposition of enforcement measures as authorized by G.S. 143-215.6A (civil penalties), G.S. 143-215.6B (criminal penalties), and G.S. 143-215.6C (injunctive relief). The water supply program enforcement provisions of Rule 15A NCAC 02B .0623 shall also apply.”

Reinforces that rules which contain specific reduction goals are requirements, not “aspirational goals” and are subject to enforcement.

Previous topics/language not included in DWR's draft Purpose and Scope Rule (Part 1/2)

- Reducing regulatory burden
- Integrated watershed health / multiple watershed benefits
- References to G.S. §§ 143-215.8B [*which was in the 2011 rule*], 143B-282(d) [*EMC powers*], 143-214.14 [*cooperative water quality protection plans*], and 77-141 [*establishes FLWA*].
- 2011 version of the “**offramp**” is gone (disconnects the rules from meeting water quality standards) which is very problematic. Since a revised standard/assessment methodology is an important objective, keeping this related to the “standard” would allow comparison to an adopted new standard rather than only meeting required load reductions.

Previous topics/language not included in DWR's draft Purpose and Scope Rule (Part 2/2)

- Legacy text about **alternative regulatory actions**: “to undertake alternative regulatory actions otherwise authorized by state or federal law, including the reclassification of waters of the State pursuant to G.S. §143-214.1, the revision of water quality standards pursuant to G.S. §143-214.3, and the granting of variances pursuant to G.S. §143-215.3.”
- When a **state of emergency**, as defined in G.S. §166A-19.3, has been declared by the Governor or the General Assembly due to a natural disaster such as a hurricane, tornado, or flood, or due to a pending disaster, the Department shall not enforce these Rules against geographies declared within the disaster area; enforcement shall resume when the issuing authority rescinds the state of emergency pursuant to §166A-19.20.”

DWR's Draft New Development Rule

DWR's Feb. Draft New Development Rule

- PURPOSE:

“establish minimum controls for new development activities in the Falls Lake watershed to contribute to the nutrient reduction goals and purpose established for the Falls Lake nutrient strategy in Rule .0750 of this Section from lands in the Falls watershed on which development occurs. Nothing in this Rule prevents local governments from implementing requirements that are more restrictive than those set forth in this Rule.”

Draft allows local governments to have in place more restrictive requirements which 1) needs discussion in terms of legal and statutory authority and 2) has been commented on by development community as being difficult to manage different requirements.

DWR's Feb. Draft New Development Rule

- APPLICABILITY:

“The local governments identified in 15A NCAC 02B .0275.0750 shall implement and administer the stormwater management requirements of this Rule on development projects occurring within the Falls watershed and their respective planning jurisdictions, including development projects proposed by local governments themselves, or by state or federal parties pursuant to G.S. 160D-925 (b).”

There is no option for NCDEMLR to review projects (e.g., for state / federal entities.)

DWR's Feb. Draft New Development Rule

- REQUIREMENTS AND IMPLEMENTATION: Part 1/2
 - Submit updated stormwater plans within 12 months of effective date of the rule and begin implementing the plan within 12 months of Commission approval of the plan
 - Ensure maintenance or replacement of SCMs
 - Ensure enforcement and compliance

DWR's Feb. Draft New Development Rule

- REQUIREMENTS AND IMPLEMENTATION: Part 2/2
 - Annual reports submitted as a tabulation in spreadsheet form project data including
 - Acres of new development project area
 - Acres of new impervious cover
 - Numbers of each SCM type used
 - Acres treated by each type
 - Resulting site loading rates
 - Net changes to nitrogen and phosphorus loads and pounds of nutrient offset obtained

UNRBA team requests that these be auto-generated as a row in SNAP 5.0

DWR's Feb. Draft New Development Rule

- ACTIVITIES EXCLUDED: Part 1/3
 - Development projects disturbing less than:
 - (i) one acre cumulative disturbance for single family and duplex residential dwellings unless the property is part of a larger common plan of development or sale as defined in 15A NCAC 02H .1002; and
 - (ii) 12,000 square feet on parcels with no existing built-upon area for commercial, industrial, institutional, multifamily residential, or local government or non-DOT state or federal land uses.

Note the overall disturbance threshold for single family and duplex residential development not part of a common plan of development has been increased from 1/2 ac to 1 ac per SL 2025-94 (HB926).

DWR's Feb. Draft New Development Rule

- ACTIVITIES EXCLUDED: Part 2/3
 - Development of an individual single-family or duplex residential lot that:
 - (i) Is not part of a larger common plan of development or sale as defined in 15A NCAC 02H .1002;
 - (ii) Is five acres or larger; and
 - (iii) Does not result in greater than five percent built upon area on the lot.

Additional flexibility for very low density lots as discussed by workgroup and PFC.

DWR's Feb. Draft New Development Rule

- ACTIVITIES EXCLUDED: Part 3/3
 - Existing development as defined in 15A NCAC 02H .1002;
 - Redevelopment as defined in G.S. 143-214.7(a1)(2);
 - Activities exempt from the Sedimentation Pollution Control Act of 1973 as enumerated at NCGS Chapter 113A-52.01; and
 - Activities of the North Carolina Department of Transportation regulated by their permit

Excludes ag by reference to Sedimentation Pollution Control Act and excludes DOT.

DWR's Feb. Draft New Development Rule

- DEVELOPMENT PROJECT REQUIREMENTS:
 - Meet overall nitrogen loading rate of 2.2 lb-N/ac/yr or runoff volume match for net increase in built up area
 - For larger projects (e.g., campuses):

“the project area used for density and nutrient export calculations may be limited to the sum of new built-upon and other disturbed areas.”
 - Offset requirements are similar to current rule but adjusted for revised disturbance threshold
 - More than 12,000 sq. ft. and less than 1 acre: 30% onsite
 - More than 1 acre: 50% onsite
 - Exceptions: SCMs elsewhere on the parcel, regional SCMs, linear projects
 - Use of stormwater calculation tool with functionality of SNAP

Text shown is DWR's proposed language.

DWR's Feb. Draft New Development Rule

- NUTRIENT LOADING CALCULATION TOOL:
 - “shall be the Stormwater Nitrogen and Phosphorus (SNAP) tool approved by the Director in March 2023 or the latest version approved by the Director. Prior to approval of a new version, the Director shall provide public notice on a test version with at least a 60-day opportunity for review and comment. After considering comments, the Director shall provide at least 30 days’ notice prior to release of an approved revision. The notice shall include information about at least one training event to be held within the notice period. Public notices shall be emailed to interested parties and made available with the revised tool on the Division’s website”

DWR's Feb. Draft New Development Rule

- NOTE ON SNAP TOOL IMPACTS ON LOADING RATE:

The UNRBA has so far opted to keep the N loading target 2.2 lb-/ac/yr to be consistent with the current rule. It would be helpful to take some SNAP 4.2-evaluated projects that met this target 100% onsite and run them through SNAP 5.0 once released for beta testing to ensure the requirement of 2.2 can still be met. For the Jordan Lake watershed, the N loading target is 2.9 lb-N/ac/yr, and DWR recommended something similar for Falls in their August draft. **The UNRBA may need to consider raising the target from 2.2 based on the revised functionality of SNAP 5.0 which is planned for release and approval in 2026. This will be an important thing to test during beta testing.** The loading target may need to be adjusted to align with what the new tool generates for the same set of SCM's that previously would have met 2.2 but perhaps now cannot do better than 2.9 (for example). DWR's August draft would have generated a loading target for Durham of 2.93 lb/ac/yr.

DWR's Draft Agriculture Rule

DWR's Feb. Draft Agriculture Rule

- **PURPOSE:** Establishes requirements for tracking and reporting land management practices, activities, and programs that affect nutrient loading from agriculture in the Falls Lake watershed as it bears on the nutrient load reduction goals and purpose of the Falls Lake nutrient strategy established in Rule .0750 of this Section [Falls Purpose and Scope Rule].
- **APPLICABILITY:** NC Department of Agriculture and Consumer Services
- **REPORTING:**
 - Five-year reports
 - Land use and crop production
 - Best management practices and activities
 - Tools/methods are not specified
- **IMPLEMENTATION PROVISIONS**
 - Allows use of cost-share and technical assistance programs
 - Allows for committees to support rule implementation/reporting
 - Allows partnership with local governments under existing managed lands rule

Text shown is DWR's proposed language.

DWR's Draft Existing Managed Lands (EML) Rule

DWR's Feb. Draft EML Rule

- PURPOSE:
“establish a framework for local governments to work cooperatively with diverse land managers to achieve nutrient loading reductions and avoid nutrient loading increases from managed lands in the Falls Lake watershed to contribute to the nutrient reduction goals and purpose established for the Falls Lake nutrient strategy in Rule .0750 of this Section.”

Referencing load reduction requirements in the purpose of the existing managed lands rule could put the investment-based approach at risk.

DWR's Feb. Draft EML Rule

- **APPLICABILITY:**
 - Local governments listed in Purpose and Scope Rule
- **THREE COMPLIANCE OPTIONS:**
 - Conventional: 40% TN 77% TP reductions
 - Investment-based:
 - Individual
 - Group (like IAIA)
- **SCHEDULES FOR PLAN DEVELOPMENT**
 - Parties have 6 months to notify DWR in writing which option they will use and then must submit the plan to implement the program
 - Conventional and individual investment: 6 months to submit plan
 - Group investment: 12 months to submit plan
 - Begin implementing plan once approved by the Division

DWR's Feb. Draft EML Rule

- CONVENTIONAL OPTION (40/77 %) Part 1/2
 - Load estimation options
 - UNRBA watershed model for “**developed lands**” category reduced by the amounts estimated for new development
 - Using the most recent version of the SNAP tool
 - Credit adjusted targets
 - Full and immediate credits for all practices installed after Jan 2007 and still functioning

Use of model output should be limited to “existing development” loads to not require double treating of interim development that already has nutrient controls. Some local governments may have used older versions of SNAP to calculate their loads. They should not be made to recreate those evaluations.

DWR's Feb. Draft EML Rule

- CONVENTIONAL OPTION (40/77 %) Part 2/2
 - Plan and schedule for implementation
 - 4% of mass load reductions achieved each year
 - Plans for administration and operation/maintenance
 - Description of funding sources
 - Duration of load reductions and responsible parties
 - Annual reports
 - Practice types and load reductions by practice and cumulatively
 - Expenditures to develop, maintain, and implement practices

Text shown is DWR's proposed language.

DWR's Feb. Draft EML Rule

- **INDIVIDUAL INVESTMENT-BASED Part 1/2**
 - Investment amount based on IAIA levels if a participant
 - If not an IAIA participant, comparable amounts based on existing developed areas
 - Eligible investments are similar to IAIA program but **exclude inspections, operation, maintenance, and repair**
 - **Delays credit for early implementation (two options)**
 - Offset annual requirement by up to 15% per year until exhausted (over a 7-year period)
 - Spread across 25 years of implementation
 - Adjust for inflation every 10 years
 - Allows annual variability if five-year total matches requirement

Text shown is DWR's proposed language.

DWR's Feb. Draft EML Rule

- INDIVIDUAL INVESTMENT-BASED Part 2/2
 - Description of practice identification and selection process
 - Identification of funding sources
 - Annual report
 - Projects implemented, investments made, location
 - New project and cumulative nutrient reductions, if quantifiable
 - Inspections performed on implemented practices

Under the IAIA, some local governments have commented that they are not tracking and requesting credit for inspections and maintenance because of the difficulty of determining how much of that effort was for projects under the existing development rule versus the new development rule. If the rules are going to require reporting on inspections and maintenance, then the local governments will need to determine how to distinguish these efforts though they would not be eligible for credit. Jurisdictions need to weigh in on the impacts of reporting and their view of the usefulness of this reporting.

DWR's Feb. Draft EML Rule

- GROUP INVESTMENT-BASED Part 1/1
 - Additional 6 months to develop and submit plan
 - Investment amounts can be reallocated among members but must match sum of new participants based on IAIA levels
 - Members who leave or are removed cannot rejoin for 5 years; investment level for group will be adjusted
 - Annual reports
 - Changes in members and total investment amount
 - A listing of joint and collective projects
 - Documentation of individual and group compliance
 - Qualifications for practices
 - Grant funds are eligible if allowed by the grant
 - Projects required for ND or WW rules or for compensatory mitigation are not eligible

DWR's Draft Wastewater Rule

Latest Discussions on Wastewater (WW) Rule

- Met with DWR on February 2nd
- DWR indicated they had discussed 3 options with EPA
 - Stage I load allocations
 - Baseline loads (DWR could support)
 - UNRBA's proposed for allocation to allow for 70 to 80% of permitted flow – enough to get through next 10 to 15 years
- DWR had asked for documentation of nutrient reductions achieved since baseline [~400,000 pounds of nitrogen] and engineering studies to justify the flow projections
- DWR does not agree that plants need 70 to 80% of permitted flow to get through the next rules readoption cycle based on their “evaluation”

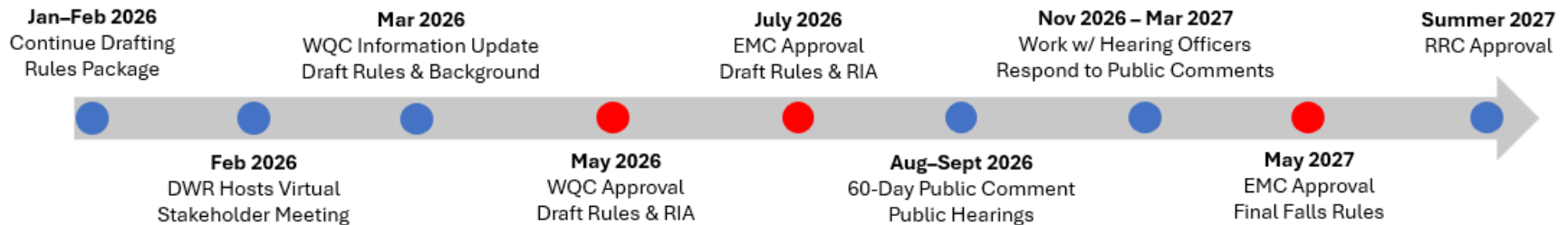
DWR's February Draft Wastewater Rule

- TBD

Upcoming UNRBA Decisions

- As has been demonstrated in the ongoing delays of achieving rules, it is essential that the members of the UNRBA have a distinct and insistent voice to DWR, DEQ, and the EMC.
- Alternate strategies to achieve this goal are being considered by the UNRBA Team and provided as technical and policy direction to the Legal Team.
- If the normal, agency-managed, rules readoption process continues to drag and not provide a reasonable solution, the UNRBA will have to seek more effective approaches.
- The success of achieving realistic and implementable revised rules is essential to governments and people in this watershed.

DWR's Prospective Timeline to Bring Draft Rules to the RRC Presented to the WQC in January



Falls Lake Rules Readoption informed by:

- *UNRBA's Updated Falls Lake Watershed & Lake Models*
- *NC Policy Collaboratory Falls Lake Study*
- *Stakeholder Review & Feedback*



Discuss Budget for FY2027

Budget Considerations for FY2027

- The UNRBA continues development of draft rules and fiscal information to support the regulatory impact analysis.
- In FY2027 (July 1, 2026, through June 30, 2027), the UNRBA will continue to support this process including presentation of the rule package to the EMC (hopefully with DWR), a formal comment period, public hearing(s), and ultimately readoption of the rules (likely in mid 2027).
- During the November 19, 2025, meeting, the Board discussed a planning-level budget of \$769,400 for FY2027 to be reduced by \$160,000 (dues funding of \$609,400).
- At the January 21, 2026, the Personnel Committee indicated they were negotiating a revised budget for Executive Director services with McGill Associates

Planning Level of Effort for FY2027

- After the rules are submitted to the EMC and the formal stakeholder process is underway, the UNRBA will transition to development of a plan to provide guidance on rule implementation
- If developed as a WQPP, the plan will include the elements listed in § 143-214.14 including coordination of monitoring in the watershed.
- The UNRBA will likely need to evaluate an appropriate level of monitoring in the future—this will include member monitoring, DWR monitoring, and, as needed, monitoring developed, funded and performed by the UNRBA.
 - Updates to the previously developed monitoring program and monitoring quality assurance project plan
 - Reporting and assessment of the data to support the evaluation of changes in the watershed.
- The UNRBA will also work with DWR and stakeholders on development of a site-specific chlorophyll-a standard for Falls Lake as described in § 143-214.3.

Planning PFC Workshop on Best Practices for Implementing Falls Rules

Planning PFC Workshop on Best Practices for Implementing Falls Rules

- Granville County and Wake County have requested a comparison and best practices across local governments for their implementation of stormwater rules and regulatory requirements within the Falls Lake Watershed
- Earlier this year, we discussed a workshop approach for UNRBA members to gather information and discuss
- We will continue planning for this workshop after we get to a more stable status on the rules' drafting process with DWR resulting hopefully in rules that the UNRBA can “accept”

Communications

Additional Information and Activities

- Reviewing existing information for jurisdictional use in developing presentations and handouts
 - [Infographic](#)
 - [Fact Facts](#)
 - Presentation materials as requested
 - Provided copies of these at the January Board Meeting
- Continue meeting with DWR to work toward a joint set of rules to submit to the WQC
- Next EMC WQC: March 11, 2026
- Planning for a Falls Lake rules status presentation at the Water Resources Research Institute (WRRI) Annual Conference March 25 and 26, 2026
- Planning a meeting with staff from the NC Office of State Budget Management in coordination with DWR
- Planning additional meeting(s) with EPA, linking in DWR as appropriate

Other Items

Ongoing Discussions/Issues

- NCSU streambank erosion loading website and spatial data available soon
- Upcoming presentation by NC State University on the 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

Closing Comments

**Next Board Meeting Scheduled for
March 18, 2026; 9:30 AM to 12:00 PM**

**Next PFC Meeting Scheduled for
April 7, 2026; 9:30 AM to 12:00 PM**