



# UNRBA PFC Meeting

## May 5, 2026

### 9:30 AM to 12:00 PM



**In-Person Meeting at  
Butner Town Hall with  
Remote Option**  
(see agenda for remote  
access instructions)

# Agenda

- Opening comments, agenda review/revisions
- Status of IAIA Extension and Reminder for Year-End Reports
- Status and timeline for Falls rules readoption and review of DWR's most recent draft
- FY2027 Budget and Contract Process
- Planning PFC Workshop on Best Practices for Implementing Falls Rules
- Communications
- Other Items
- Closing comments

# **Opening Comments, Agenda Review/Revisions**

# **Status of IAIA Extension and Reminder for Year-End Reports**

# Status of IAIA Extension

- Leadership from the NC Division of Water Resources (DWR) has confirmed with their lawyers and the Chair and Executive Director of the NC Environmental Management Commission (EMC) that the EMC does not need to approve extension of the Stage I Existing Development Interim Alternative Implementation Approach (IAIA) Program.
- UNRBA's modification of the Bylaws is sufficient documentation for extension of the Program. This item will be included in the May EMC meeting as an information item.

# Reminder for Year-End Reports

- The fifth year of the IAIA ends June 30, 2026.
- IAIA participants are required to submit annual reports to DWR (John Huisman) by September 30<sup>th</sup>
- Please copy Forrest and Alix on your submission so we can compile the UNRBA Annual Summary Report which will be reviewed and considered for approval by the UNRBA Compliance Group Committee at their November 18, 2026, meeting.
- The UNRBA Annual Summary Report is due to DWR by November 30<sup>th</sup> each year
- The spreadsheet-based reporting template is available under the “IAIA” heading on the UNRBA website Resource Library: <https://unrba.org/resource-library>.

# **Status and Timeline for Falls Rules Readoption**

# Status of Development of Draft Rule Language

Rule Section	Status
Purpose and Scope, Existing Managed Lands, New Development	<ul style="list-style-type: none"><li>• PFC discussed DWR's February drafts at March PFC meeting</li><li>• PFC provided comments during and following the meeting</li><li>• Board discussed concerns at their March meeting</li><li>• UNRBA and DWR staff discussed rules again on April 1<sup>st</sup> and the PFC discussed April 7<sup>th</sup></li><li>• <b>DWR provided updated drafts on April 22<sup>nd</sup></b></li></ul>
Agriculture	<ul style="list-style-type: none"><li>• PFC discussed DWR's February drafts at the March PFC meeting – <b>no changes since the Feb draft</b></li></ul>
Wastewater	<ul style="list-style-type: none"><li>• DWR and UNRBA discussing since September 2025</li><li>• PFC and Board provided comments during the March and April meetings</li><li>• <b>DWR provided draft on April 22<sup>nd</sup> – First Draft since last year</b></li></ul>

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

# Discussion Format for Today

- UNRBA team received drafts from DWR on April 22<sup>nd</sup> that showed redline changes relative to previous drafts
- To track progress relative to previous UNRBA comments:
  - Provided new comments and summaries of the team's view of the revised April drafts
  - Merged edits and comments provided by the UNRBA on DWR's previous drafts into DWR's April drafts
  - Provided "merged" files to PFC ahead of the meeting
- Today we will walk through the summary of merged comments provided as a separate document to the PFC including improvements, outstanding issues, or summaries

# **UNRBA Comments on DWR's April Draft Purpose and Scope Rule**

# PS: Summary of Improvements

- DWR has edited the draft such that the **goal** of the individual rules is to **achieve the water quality standard**
- DWR has edited the draft to **reference the previous rules and required reductions from regulated sources of 30% N and 70% P**
- While DWR did not include language about **integrated watershed health** in the Purpose and Scope Rule, they have included it in the **EML Rule**
- DWR **added some elements to the 5-year reporting** to include if “readily available” (e.g., from others’ reporting on water treatability)

# PS: Summary of Improvements

- DWR removed compliance with the P&S rule from the enforcement section
- DWR has added back the **alternative regulatory framework language**
- DWR has added an “offramp” for sub-basins if segments of the lake are meeting standard
  - Still needs further discussion; should be when the lake meets the standard
- DWR edited to “significant anthropogenic” sources in Scope Item

# PS: Summary of Outstanding Issues

- The narrative in the P&S Rule should include that the lake is stable, there are no ecological problems resulting in public closures/advisories. The language should remove the word “restore” because there is no previous condition in the lake that is better than the current water quality. The rules are being implemented to “maintain and improve” water quality in the lake.
- Referenced reductions of 30/70 still would not meet the standard and risk of third-party lawsuits remains; not required with a 4B Plan

# PS: Summary of Outstanding Issues

Site-specific standard (SSS) language references the Nutrient Criteria Development Plan (NCDP) Scientific Advisory Council (SAC).

- Language still doesn't provide a more engaged site-specific standard development process. The UNRBA's (FLWA's) role in evaluation and direct input on the SAC's recommendations is, at a minimum, something the rule should include. I will note again that the processes as laid out and followed previously has not been timely or followed by DWR. Recommendations for HRL from the SAC were not sufficiently followed in DWR's site-specific standard rule.
- The schedule in the latest MOA has not been met. How would the SAC work in Falls when they are behind schedule with the Middle Cape Fear and Albermarle Sound?
- MOA's can be changed to reflect improved science.
- DWR has noted during discussions that UNRBA can petition for their own SSS outside of this process, but that DWR needs to follow the NCDP if they are developing the SSS.

*PAUSE FOR FEEDBACK*

# PS: Summary of Outstanding Issues

- Tributary monitoring is needed to estimate loading; UNRBA has requested that DWR transition some lake stations (currently 12 DWR lake stations) to tributary stations; currently 30 monitoring stations in Falls Lake
- Rule references the Falls Lake Watershed Association – do we need to reference the establishing legislation?
- DWR noted in discussions that including specifics on state of emergency could limit flexibility of the Governor/legislators to respond and is already allowed as demonstrated by their handling of Helene

# **UNRBA Comments on DWR's April Draft New Development Rule**

# ND: Summary of Improvements

- DWR provided more specificity when cross references Rule Items
- DWR deleted confusing language noted by UNRBA member

# ND: Summary of Outstanding Issues

DWR restricts local governments and developers in the Falls Basin to using a stormwater nitrogen and phosphorus tool based on the Simple Method

- DWR is not planning to revise simple-method based tool
- DWR's revised tool is curve-number based (i.e., SNAP 5.0)
- This means Falls will not have the benefits of
  - Soil improvement crediting
  - Low-maintenance pervious areas (quarterly) simulated as protected forests
  - A uniform tool across the Falls / Jordan watersheds
  - Requested output tab in SNAP 5.0 to aid in annual reporting

# ND: Summary of Outstanding Issues

- The Falls stakeholders did not request continued use of the Simple-method based tool (contrary to DWR's comment).
  - Requested an adequate vetting process and that the loading target be updated to reflect the functionality of the new tool.
  - Stakeholders have expressed many times their interests in the land-use and soil-based options for new development that DWR is incorporating into the revised, curve-number based tool.

# ND: Summary of Outstanding Issues

Following the last meeting with UNRBA and DWR, it was decided that John and Alix would discuss language to address **discrepancies between SNAP tool and loading targets** - This discussion has not occurred

- Current tool would apply the same nitrogen loading rate target of 2.2 pounds per acre per year (lb-N/ac/yr)
- SNAP 5.0 functions differently and the nitrogen loading rate target should be increased to 2.9 lb-N/ac/yr once that new tool is properly vetted and adopted

# ND: Summary of Outstanding Issues

Rule needs to be revised to be functionally appropriate, for example:

- Use of the current tool based on the Simple-Method has a target of 2.2 lb-N/ac/yr
- Use of a curve-number based tool approved by the Department has a loading target of 2.9 lb-N/ac/yr.
- Allow the stakeholders in the Falls Basin, who developed and have been requesting approval of the soil improvement practice for new development for nearly ten years, to access the full functionality of the improved tool once properly vetted.

*PAUSE FOR FEEDBACK*

# ND: Summary of Outstanding Issues

DWR's language says local government rules can be more restrictive than state/federal law

- DWR references 143-214.5 in their comments for authority to include this language
- If the authority already exists, there is not a need to state it here. This is not our understanding based on existing legislation and legal review and is a red flag to developers.
- Maybe edit to local governments need to operate in accordance with this rule and applicable state/federal law to avoid triggering language

# ND: Summary of Outstanding Issues

Following the last meeting with UNRBA and DWR, it was decided that John and Alix would discuss language to **address institutional development with examples** to identify issues and possible solutions

- This discussion has not yet occurred
- UNRBA has requested examples of projects and stormwater tool calculations to illustrate the issues of concern for institutional projects and formulate language to address

# **UNRBA Comments on DWR's April Draft Existing Managed Lands (EML) Rule**

# EML: Summary of Improvements

- DWR revised the draft to provide **full and immediate credit for all activities** post baseline (2006) including investment-based projects and IAIA rollover
- DWR revised the draft to **allow up to 50% of investment requirement to go toward recurring costs** like operation and maintenance
- DWR **deleted the auditing language** (DWR already has the authority to audit)
- DWR added **“or subsequent Director-approved”** to text on the 2023 North Carolina Stormwater Control Measure **Credit Document**

# EML: Summary of Improvements

- DWR added to Purpose of this Rule: This rule supports an **integrated water resources management approach** across the Falls Lake watershed, aligning nutrient reduction efforts with broader watershed health objectives and associated hydrologic and ecological functions.
- DWR **removed forward-looking planning requirements for investment-based approaches**
- For the conventional load reduction option, DWR **edited to six months** (was three) if there were major revision needed to the **draft plan**

# EML: Summary of Outstanding Issues

- Following the last meeting with UNRBA and DWR, it was decided that John and Alix would **clarify language regarding “development” versus “existing development”** when discussing UNRBA modeled loading for “existing development”
  - This discussion has not occurred yet.

# EML: Summary of Outstanding Issues

- UNRBA continues to want to **reference an EMC-approved Program Document** in the rule rather than listing each directly in rule to avoid need for continuous rule revisions.
  - DWR's draft is missing education and outreach
  - Soil improvement has been included by reference to nutrient catalogue

# EML: Summary of Outstanding Issues

- **UNRBA members had asked**  
“Why do members choosing the **conventional load reduction approach need to track expenditures** associated with practices development, implementation and maintenance?”  
“Using city forces is often hard to calculate as they have a variety of duties and may not track each minute to multiply by their salary plus benefits. Changes for raises every year etc. Why are these needed? This is just a burden.”
- **DWR response:** Collecting cost information will help us better understand the **regulatory burden** of this rule. In the conventional option, where costs are linked to estimated load reductions for specific practices, this information will improve our ability to **evaluate both compliance requirements and cost impacts** using real-world, local data. This, in turn, will support **more informed future strategy development and potential rule refinements.**

*PAUSE FOR FEEDBACK*

# EML: Summary of Outstanding Issues

- **UNRBA members had noted**  
They “**would like to see language as written in IAIA:** Onsite wastewater treatment system inspection programs, maintenance tracking, repair, replacement, and pump-out programs, education of owners regarding proper maintenance, and training of professionals who inspect and repair onsite systems”
- **DWR response:** DWR response: Operation and maintenance of practices is creditable but is already addressed in Sub-Item (5)(d) so doesn't need to be repeated here.
- Note, education is missing

*PAUSE FOR FEEDBACK*

# EML: Summary of Outstanding Issues

- **UNRBA members had noted** the “IAIA called out greenways and parks with water quality and quantity benefits. Would just want to make sure this is captured in (e).”
- **DWR response:** While IAIA Activities like Green Infrastructure and Parks & Greenways with WQ benefits are not listed by name in Item (8), the creditable investment component of those would be **covered the eligible practices throughout the rest of this Item.**

# EML: Summary of Outstanding Issues

- **UNRBA members had asked**  
“Is there a definition of managed lands? Does this exclude forest and other unmanaged lands? What about forest with a management plan?”
- **DWR response:** that does not appear necessary because the term is used only as a general descriptor and not as an operative term. The enforceable requirements are specified in the substantive provisions of the rule, not in the Purpose Item. However, if stakeholders believe additional descriptive language would improve clarity, we welcome specific suggestions for how that language should read.

# EML: Summary of Outstanding Issues

- **UNRBA members had noted**  
“Item (6)(h) discourages joint projects and separate agreements for maintenance - discourages joint compliance why not individual and use separate agreements.”
- **DWR response:** DWR included a placeholder; need to discuss alternative with UNRBA

# EML: Summary of Outstanding Issues

- Regarding the calculation tool for existing development conventional method, EML text references a website that will eventually be updated with the curve-number based tool.
- **Rules would require local governments to use the updated stormwater tool for ExD and the old tool for NewD.**

# **UNRBA Comments on DWR's April Draft Wastewater (WW) Rule**

# Summary of DWR's Draft WW Rule

- Includes option for **group compliance**
- Maintains Stage II reduction requirements for **smaller facilities** (discharging less than 0.1 MGD)
- Includes provision to **revisit “allocation assignments”** within ten years following the effective date of this Rule
  - Relative to the **goals** of the Falls Lake Nutrient Strategy identified in Rule .0750 of this Section
  - Based on **treatment technologies** available and other economically feasible options identified at that time
  - Relative to revisions of strategy goals resulting from development of a **site-specific standard** as provided in Rule .0750 of this Section.

# Summary of DWR's Draft WW Rule

## Regarding changes in overall allocations or assignments

- Whenever the Commission, through rulemaking, **revises the nutrient reduction targets** in or pursuant to 15A NCAC 02B .0275Rule .0750 of this Section in order to ensure the protection of water quality in the reservoir and its tributaries or to conform with applicable state or federal requirements;
- **Concern:** This reference to P&S should be changed to just say that through rulemaking the loading requirements can be revised. No need to put in all of the other stuff. DWR can change the allocations based on revised rules.
- Whenever one or more point source **dischargers acquires any portion of the nonpoint load allocations** under the provisions in this Rule and Rule .0703 of this Section;

# Summary of DWR's Draft WW Rule

## Regarding changes in overall allocations or assignments

- As the result of **allocation transfers** conducted between point sources or between point and nonpoint sources and in accordance with this Rule;
  - **Concern:** This kind of language that needs to be included in the section above or cross-referenced here that talks about allocation of loading based on the relative flow of each facility.
- In the event that the **Commission changes any nutrient reduction target specified in Rule .0750** of this Section the Commission shall also re-evaluate the apportionment among the dischargers and shall revise the individual allocations as necessary.
  - **Concern:** This provision should state that any such revision will not be considered to be backsliding under state and federal rules

# Concerns with DWR's Draft WW Rule

Regarding this language in the purpose statement, “to contribute toward the nutrient reduction goals”

- This no longer is appropriate to say. P&S has the goal of meeting the standard and only notes what reduction levels were required in the current rules. Just say contribute to the purpose of the Falls Lake nutrient strategy as established in .0750.

# Concerns with DWR's Draft WW Rule

- Regarding applicability section that currently refers to “all” wastewater treatment facilities,
  - Replace “all” with “existing, expanding, and proposed”
- Regarding the distribution of allocation based on proportion of permitted flow,
  - Needs to include a “however” for shifts as developed under a joint compliance agreement which is provided for in the next item of the rule.

# Concerns with DWR's Draft WW Rule

- Unless the load allocations change as described on the previous slide, **the rule limits the total allocation** for dischargers west of Highway 50 with  $> 0.1$  MGD flow
  - Current, new, and expanded facilities
  - Discharged loads and offset credits
- These total allocation caps are unnecessary.
  - Permits limit loading and flow limits
  - The WWTPs also have to comply with the 80/90 rule.
  - So what is the impact conceptually if a WWTP, through the purchase of credits, is allowed to discharge more loading?
  - The objective is to address water quality in the lake. If the permit allows a discharge level and there is a provision for purchase of credits, the amount of loading discharged directly, even if above that number, would be offset by any obtained credits.

*PAUSE FOR FEEDBACK*

# Concerns with DWR's Draft WW Rule

- Nitrogen
  - **Discharge allocation** set to baseline: 160,000 lb-N/yr
  - Allows only a total loading of 260,000 lb-N/yr as a cap with no justification!
  - Requires effluent limit (annual average): 3.0 mg-N/L
  - At permitted flow, effluent limit (annual average): 1.84 mg-N/L
  - Purchasing 100,000 lb-N/yr of offset credit
    - Would costs ~ \$50 million based on Lower Neuse Compliance Association costs—this doesn't even consider if credits are available or how costs would increase as supply diminishes

# Concerns with DWR's Draft WW Rule

- Phosphorus
  - Allocation set to permitted flow times effluent limit: 8,675 lb-P/yr (63% reduction from baseline)
  - Why not allow baseline for phosphorus as well?
  - Effluent limit (annual average): 0.1 mg-P/L
  - At permitted flow, achieving effluent concentration is estimated to cost an additional \$500,000 dollars per year

# Concerns with DWR's Draft WW Rule

- This means no additional wastewater service beyond the currently permitted flows (28.5 MGD combined) unless the rule and allocations are revised
- This is unnecessary and unsupportable approach—there is no basis to cap loading
  - Durham had already upgraded prior to baseline
  - Hillsborough is going to run out of allocation soon
  - Our region is projected to increase by 3 million people and 2 million jobs over the next 30 years
  - We need long-term solutions that fit the science and anticipate growth, not stifle growth

# Concerns with DWR's Draft WW Rule

- Requirements will not move the needle on water quality
- WWTPs are only 5 to 10 % of the loading to the lake
- Modeling shows little difference between discharging 260,000 or 160,000 pounds of nitrogen
- 5-stage treated effluent is not readily treatable or bioavailable
- The rule should not place more restrictive requirements on the WWTPs in this watershed than in other watersheds. These credit provisions need to be evaluated carefully.

# Concerns with DWR's Draft WW Rule

- Regarding new or expanded facilities, the rules says “The applicant shall determine whether the proposed discharge of nutrients will cause local water quality impacts”
  - Why does the permit applicant have to do the evaluation of potential local WQ impacts? This is a permitting agency function. Even if an applicant concludes that there will not be a problem, DWR permitting folks will have to confirm that.
  - This may be something that has been put in other rules, but it isn't a reasonable requirement. Even if no local impacts are predicted, the permit holder is being held responsible for being wrong if they do occur. If problems do happen, the permit holder is not only in trouble under the rules for the problem, they are in violation of this rule because they failed to “determine” that a problem would occur. Maybe this is something DWR has been using to shift responsibility to the applicant. Evaluation of a discharge and its ability to meet water quality requirements is an agency function.

# Concerns with DWR's Draft WW Rule

- Regarding “A group compliance association shall apply for and shall be subject to an NPDES permit...”
  - This statement (and shall be subject to) is not necessary.
    - NPDES permits stand on their provisions.
    - If an association gets a group permit the conditions are enforceable under NPDES rules already established.
    - Any permit issued results in the holder “being subject” to that permit.

# Concerns with DWR's Draft WW Rule

- Regarding “Beginning with the first full calendar year that the nitrogen or phosphorus limits are effective, an association that does not meet its permit limit for nitrogen or phosphorus for a calendar year shall, no later than May 1 of the year following the exceedance, execute a contract to permanently offset the amount of exceedance”
  - If they exceed the limit one year due to a temporary issue, why would they have to purchase permanent offset credits?
  - DMS website only provides costs for “term” credits - I don't see where the term duration is specified. For permanent credits, the website says, “\*Guidance and rates for permanent nutrient offset credits are under development”

# Concerns with DWR's Draft WW Rule

- Regarding “Subsequent application for permit renewal or, where an existing permit contains tiered limits, request to discharge at an increased flow shall demonstrate that the facility has sufficient nitrogen and phosphorus allocations or offset credits to meet its effluent limitations for any partial calendar year in which the permit becomes effective plus 20 subsequent years of discharge at the proposed design flow rate”
  - Is this consistent with other basin requirements related to tiered limits?

# Concerns with DWR's Draft WW Rule

- Costs of upgrades or offset credits are borne by rate payers; for example, SGWASA
  - Already increased rates to pay for Stage I plus
  - \$27 million to address PFAS plus
  - \$80 million in infrastructure upgrades plus
  - Tens to hundreds of millions to meet nutrient allocations (upgraded infrastructure or offset credits if available)
- SGWASA only has 6,000 customers; includes some of the poorest census tracts with the highest percent of families below the poverty line (>24%)
- This is a significant burden to many families who are not getting the use of the lake as water supply

# Concerns with DWR's Draft WW Rule

- Is the State going to support funding for these requirements?
- Statutes require that costs and economic impacts be considered when adopting rules
- Our evaluation of impacts from increasing to 260,000 lbs-N/yr is not significant and by no means improves WQ relative to the investment required
- There is no way to achieve the standard as applied
- These rules will negatively impact regionalization because requirements across basins would differ
- Utilities cannot charge different rates to different customers based on basin

# Overall Comment for April Drafts

- DWR's overall suggestion April 1<sup>st</sup> was to move forward with the rules readoption process including percent reduction requirements in the Purpose and Scope and changing wastewater allocations back to baseline levels and agree to work on these “big picture” items in the following years:
  - Assessment methodology
  - Site-specific standard
- These drafts need additional work before taking any rules forward. The issues in P&S, ND, and EML are relatively straight forward and should be able to be addressed.
- On WW, there is little likelihood that DWR will be willing to address this—remains a huge issue for the UNRBA

# **FY2027 Budget and Contract Process**

# FY2027 Budget and Contract Process

- The Board approved the budget for FY2027 and sources of funding proposed by the PFC at their March meeting
- The Executive Director is working with the contractors to develop draft contracts and scopes of work for review by the PFC at their May and June meetings
  - Brown and Caldwell for the Modeling and Regulatory Support and Communications Support Project
  - WSP (Dr. Martin Lebo)
- Following review by the PFC, the contracts and scopes of work will be finalized for approval by the Board at their June meeting

# FY2027 Budget by Task

Task	BC Labor	Subs and Expenses	Total	Subcontractor/ Expense Notes
715 Finalize Nutrient Management Strategy for Falls Lake	\$ 55,000	\$ 15,000	\$ 70,000	Brindle Creek
725 Regulatory Support, Planning, Prelim Implementation Plan	\$ 70,000		\$ 70,000	
735 Site-specific chlorophyll-a criteria or assessment methodology	\$ 25,000		\$ 25,000	
745 Support Implementation of Current Rules	\$ 15,000		\$ 15,000	
755 Communications: meetings, workshops, status meetings	\$ 55,000	\$ 5,000	\$ 60,000	Mileage, food, rentals, etc.
765 Monitoring Program (prelim planning and coordination)	\$ 15,000		\$ 15,000	
775 Technical Support, Data Analysis, and Reporting	\$ 50,000	\$ 10,000	\$ 60,000	KDV
785 Project management	\$ 20,000		\$ 20,000	
<b>Total</b>	<b>\$ 305,000</b>	<b>\$ 30,000</b>	<b>\$ 335,000</b>	

**Notes:** Budget for sub-contractors will be increased incrementally as needs arise including for the watershed and lake modeling firms.  
Unallocated funds may be needed depending on level of effort.

# **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: May 13, 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  
May 20, 2026; 9:30 AM to 12:00 PM**

**Next PFC Meeting Scheduled for  
June 2, 2026; 9:30 AM to 12:00 PM**