UNRBA PFC Meeting
November 3, 2026
9:30 AM to 12:00 PM
Virtual Meeting

(see agenda for remote access instructions)



Agenda

- Opening comments, agenda review/revisions
- Review UNRBA IAIA Annual Summary Report
- Discuss budget approach for FY2028
- Status and timeline of Falls Rules Readoption Process
- Information sharing of best practices for implementing Falls New Development Rules
- Communications
- Other items
- Closing comments

Opening Comments, Agenda Review/Revisions

Review UNRBA IAIA Annual Summary Report

Review UNRBA IAIA Annual Summary Report

- The fifth year of the Stage I Existing Development Interim Alternative Implementation Approach (IAIA) ended June 30, 2026.
- At the request of the UNRBA, DWR extended the program for five years, or until the Falls Rules are readopted.
- IAIA participants have submitted their annual reports for FY2025-2026 to NC Division of Water Resources (DWR) (John Huisman) and copied Forrest and Alix.
- The individual reports have been compiled to develop 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 30th each year.

IAIA FY2025-2026 Funds Allocated and Cumulative Carry Over

Participant	Annual Minimum Requirement	FY2025-2026 Funds Allocated	Cumulative Carry Over to Next FY
City of Creedmoor	$16,926	$16,926	$0
City of Durham	$337,587	$1,205,029	$4,513,036
City of Raleigh	$466,081	$930,850	$2,791,330
Durham County	$133,300	$0	$667,185
Franklin County	$19,058	$19,058	$0
Granville County	$100,453	$100,453	$0
Orange County	$161,943	$238,342	$98,523
Person County	$114,394	$285,347	$411,129
Town of Butner	$23,393	$23,393	$0
Town of Hillsborough	$34,221	$23,438	$35,852
Town of Stem	$11,605	$11,605	$0
Town of Wake Forest	$13,692	$0	$31,540
Wake County	$88,968	$190,489	$3,050,780
Total	**$1,521,621**	$3,044,930	$11,599,375

Cumulative rollover accounts for all years of IAIA program accounting.

IAIA Summary by Project Type (FY2025 to 2026)

Project Type	Number of Projects	Total funds allocated (cash and in-kind)
Land conservation	4	$1,254,607
Green infrastructure and other best management practices (BMPs)	7	$670,768
Watershed Improvement Plans and Programmatic Measures	5	$487,601
Stormwater control measures (State-approved SCMs)	5	$334,955
Stream and riparian buffer restoration and enhancement	3	$25,658
Illicit discharge detection and elimination	1	$102,823
Infrastructure Improvements	4	$152,377
Hydrilla removal and control	2	$16,142
Total	**31**	**$3,044,930**

IAIA Summary by Project Type (Total for Five Years)

Project Type	Number of Projects	Total funds allocated (cash and in-kind)
Land conservation	15	$8,082,590
Green infrastructure and other best management practices (BMPs)	35	$4,916,393
Watershed Improvement Plans and Programmatic Measures	38	$2,360,347
Stormwater control measures (State-approved SCMs)	32	$1,951,213
Stream and riparian buffer restoration and enhancement	17	$732,834
Illicit discharge detection and elimination	12	$637,036
Infrastructure Improvements	12	$457,131
Hydrilla removal and control	11	$69,937
Total	**172**	**$19,207,480**

The required investment level over the first five years of the IAIA was $7,608,105. The UNRBA has invested more than 2.5 times the required amount.

Potential Updates to the Reporting Template and Program Name

- Template
  - Correction is needed to the compliance calculation to trigger “yes” if amount invested plus “carry over” to next fiscal year exceeds the minimum requirement
  - Discuss rewording “Carry over to next fiscal year(s):”
    - Investment credits for next fiscal year ?
    - Other thoughts?
  - Other changes needed?
- Program Name and Acronym
  - PFC discuss renaming the program once Rules are readopted
    - Potentially retain the IAIA acronym
    - e.g., Investment Alternative Implementation Approach
    - Thoughts?

Discuss Budget Approach for FY2028

Discuss Budget Approach for FY2028

- The Personnel Committee (PC) met October 26th
- Discussed an approach for developing a transition plan and budget for FY2028 that considers
  - Ongoing commitments of the UNRBA
  - Status of the rules readoption process
  - Need to position Association for implementation of new rules
- PC asked us to use the FY2027 budget as a placeholder for planning purposes (the FY2028 budget will not be higher)
  - FY2027 budget: $812,815
  - Offset $203,415 using unallocated funds = $609,400
- PC suggested a preliminary discussion during a Closed Session of the Board on November 18th to receive feedback from Board Directors
- PC will provide a report and refined budget estimate for presentation to the Board at their January 2027 meeting.

Status and Timeline for Falls Rules Readoption

Status of Falls Rules Readoption

- UNRBA members and Executive Director met with DWR on July 20th to discuss
- The PFC discussed the meeting and outstanding items during the August and September meetings and John Huisman provided updates on DWR's internal discussions.
- On October 14th, John provided updated draft rules which will be reviewed today.
- Items highlighted in green have been addressed
- Items in yellow remain outstanding

Draft Purpose and Scope Rule

References to Percent Reductions, Slide 1

- References to percent reductions that are not feasible or applicable should be removed or clarified as historical reference only
  - *October draft reads:* "The original modeling supporting those rules, as approved by the Commission in 2009, estimated that reductions of approximately 30 percent in nitrogen loading and 70 percent in phosphorus loading, relative to a 2006 baseline, would be needed to attain applicable nutrient-related water quality standards. This amended strategy shall continue to apply an adaptive management approach, with individual rules designed to work collectively toward achieving and maintaining applicable standards throughout Falls Reservoir."

Preliminary UNRBA comments on next slide

References to Percent Reductions, Slide 2

Forrest comments on references to percent reductions

- *Confirm that this is a "historic note"*
- *Reflect that the ~ 30% N and 70% P is from all sources*
- *DWR reduced the total load until the model showed compliance with the standard at reference point*
- *Reductions were adjusted to reflect "managed" sources.*
- *"Historic reference" creates issues with how to interpret what these percent reductions mean from a regulatory standpoint.*
- *It should be clear this is just a "where the rules were when put in place in 2011."*

Restore and Reduce Language

- The word “restore” should not be referenced: Falls Lake water quality is the best it has ever been
  - October draft says “**maintain and improve** nutrient-related water quality toward achieving 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”
  - *Initial comment addressed*
  - *New comment from Dan 10/21/2026: In .0750 opening paragraph, I suggest that the reference to best uses should also include 2B .0223, the NSW rule.*

Restore and Reduce Language

- Suggested using “manage” rather than “reduce” nutrients to be more comprehensive in our approach
  - *October draft says to **prevent increases and achieve reductions** – this should say to manage*
  - *“Significant anthropogenic sources” will need to be supported with a definition in 2B .0701.*

Adaptive Management - General

- UNRBA Comments:
  - *(4) Adaptive Implementation should require DWR to provide proposed criteria to the EMC for how "progress evaluations" in (a) will be conducted and measured within one year of the rule adoption.*
  - *(4)(c) new language requires DWR to "specify requirements to maintain measures that prevent increases in loading." Only the EMC can do this as it is rulemaking.*
  - *(4)(d) NCDP-related comments on the next slide*

- **Nutrient Criteria Development Plan (NCDP)**

- DWR's October draft rules say the NCDP shall be used to establish a site-specific standard for Falls Lake by 2034
  - NCDP last updated in 2019; DWR has not met the schedule
  - UNRBA has concerns with schedule proposed given ongoing delays with other NCDP efforts
  - A site-specific process for Falls Lake must include specific input from the UNRBA and a commitment from DWR to support the effort
- *DWR has indicated they must rely on NCDP, but others may submit independent petitions for a site-specific standard*
- *Forrest re-iterated that if NCDP remains in the [draft] Falls Rules then*
  - *The NCDP must be amended to address Falls Lake by the year established in the rule*
  - *The rule needs to address rule updates following standard revision (time frame, etc.) and specific milestones and commitments for the agency (including the EMC and RRC timelines)*

Importance of Tributary Monitoring

- The October draft still says that DWR will
  - *"maintain water quality monitoring throughout Falls Reservoir and watershed,"*
  - *"shall utilize this data as suitable to estimate and track load reductions achieved, to better understand system response, and to perform periodic use support assessments pursuant to 40 CFR 130.7(b)*
- DWR does not currently monitoring the tributaries
- UNRBA has suggested that DEQ reassign approximately half of the 12 lake monitoring stations as tributary monitoring stations
- Monitoring nutrient concentrations in tributaries is essential for estimating nutrient loads and trends over time.

Implementation of the Offramp

- Implementation of the “offramp” as currently drafted
  - *UNRBA expressed concerns about how this would be implemented as worded in DWR’s April draft*
  - *John noted that the EMC Executive Director and legal counsel have concerns as well*

Addition of a New Affected Party

- Mebane has been added to the list of affected municipalities due to annexation

Draft New Development Rule

Draft New Development (ND) Rule

- Purpose statement should reference the purpose statement of the Purpose and Scope Rule
  - *DWR's October draft reads:* The purpose of this Rule is to establish minimum controls for new development activities in the Falls Lake watershed to contribute to the purpose and goals established for the Falls Reservoir Lake nutrient strategy in Rule .0750
- UNRBA recommended deleting the last sentence of the ND Purpose: "Nothing in this Rule prevents local governments from implementing requirements that are more restrictive than those set forth in this Rule"
  - *DWR's October draft language reads: Nothing in this Rule shall be construed to limit the stormwater control authorities granted to local governments under Chapter 143-214.5, 160D-925 or elsewhere to adopt or enforce requirements that provide greater water quality protection than those set forth in this Rule.*
- Rule language about large institutional projects is not needed because they are regulated by the local governments
  - *DWR agreed during the July 20th meeting and deleted from Oct draft*

Draft New Development (ND) Rule

- Next version of the Stormwater Nitrogen and Phosphorus (SNAP) Tool is likely delayed 18+ months
  - Impacts requirements and the loading targets – requires readopting again
  - Further delays use of soil improvement for new D
  - UNRBA suggested separate SNAP rule to avoid re-re-adopting New D Rule
    - *DWR's October draft comments* We don't believe creating a standalone rule for the Stormwater SNAP tool is necessary or advisable. SNAP is a technical calculation tool used to demonstrate compliance with existing nutrient stormwater rules, not a regulatory program itself. Establishing a separate rule would add unnecessary regulatory complexity, create additional rulemaking and administrative burdens, and potentially limit DWR's flexibility to update the tool as new science and methodologies become available. It makes more sense to reference SNAP within the applicable nutrient stormwater rules while maintaining the ability to make technical updates without requiring a separate rulemaking process.
    - UNRBA response: Then you will have to update each individual new D rule for each nutrient management strategy instead of one rule that covers them all? What is the difference in updating the text in Items 5(e) and 5(f) than updating that type of language in a SNAP Rule?

Draft New Development (ND) Rule, NEW ITEM (1) Comments on Development Excluded Text

- House Bill 926 → Session Law 2025-94 sets disturbance threshold to 1 acre for single family or duplex residential development not part of a common plan of development
- October DWR draft New Development Rule also excludes:

  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.

Draft New Development (ND) Rule, NEW ITEM (1) Comments on Development Excluded

- Orange County proposes that the lot size for the additional development excluded should be 2 acres, not 5 acres
- Address the high number of legacy lots within Orange County's Critical Area water supply (WS) watersheds that are smaller than 5 acres
- Platted well before the early 1990s when WS watershed regulations and associated minimum lot sizes of 5-acres was enforced
- Many single-family residential owners may be put into a situation where they have to design and install a permanent Stormwater Control Measure even if they're proposing a trivial amount of new BUA (i.e., < 5%) across a relatively large lot (i.e., 2, 3 or 4+ acres in size).
- The problem is the state's current requirement for stormwater management when cumulative land disturbance goes over 1-acre.
- Single family homes with long driveways can very easily go over the trigger for land disturbance, but they may only be proposing 4 or 5% impervious area across the entire lot.
- We do not want to have those types of single-lot residential developments have to install and maintain an SCM.

Draft New Development (ND) Rule, NEW ITEM (2) Comments on MS4 Requirements

- DEQ recently audited Hillsborough's post-construction minimum measures under its MS4 permit
- During the audit they discussed the "qualifying program" status of the Falls Rules
- DEQ MS4 program staff will audit and oversee the MS4 requirements for post-construction (i.e. new development for stormwater) but will consider nutrient sensitive watersheds with rules like Falls Lake as additional requirements and not part of the MS4 requirements...sort of like an "overlay."
- For the Falls Lake ND readoption, need to be certain that new language does not contradict MS4 post-construction stormwater requirements.
- The ND rule should have nutrient requirements and not other stormwater standards.

Draft Existing Managed Lands Rule

Draft Existing Managed Lands (EML) Rule,

- The purpose still references “to achieve nutrient loading reductions and avoid nutrient loading increases from managed lands” rather than just referring to the purpose and scope rule.
- Discussed that requirements and purpose of EML rule needed to be relative to existing **development**, not existing **managed lands** (EML)
  - *DWR is reviewing wording throughout (managed lands versus development)*
  - *Oct 14th draft edited the modeling section to refer to existing development*
- Education and outreach costs related to nutrient management should be eligible activities
  - *Oct 14th draft adds to programmatic measures activity*
  - *Missing on the fertilizer application item*

Draft Existing Managed Lands (EML) Rule,

- If members leave compliance group, group investment level should be adjusted down (subtract member)
  - *Oct 14th draft includes this revision (reduced)*
- If DWR dissolves the group for non-compliance, retroactive requirements should only be required for those jurisdictions that were out of compliance
  - *DWR's response: I don't think a revision is necessary here. As written, local governments would only need to address identified deficiencies. Those without deficiencies can simply state that in their plan.*

Draft Existing Managed Lands (EML) Rule,

- Eligible activities for investment-based approach still references lands “under their control”; should say “under their ownership”
  - *Michelle commented after the September PFC meeting that programmatic elements (above baseline levels) associated with elimination of illicit discharges should count;*
  - *DWR question to the UNRBA in October 14th draft: Would changing the language from “control” to “ownership” limit your ability to implement eligible practices or take credit for activities on properties you do not own? For example, could this exclude projects on properties where you have an easement or other legal authority to implement practices but do not hold ownership?*
  - *Discussed with Dan and the “willing partner” should address that scenario since illicit discharges are illegal and the City ordinance must be followed*

Draft Wastewater Rule

Capped Loads at 2006 Permitted Flows - Background

- Three WWTPs are operating at best achievable technology (BAT)
- DWR's latest draft caps the WWTPs at their currently permitted flow rates (28.5 MGD cumulative) based on nitrogen (N)
  - End of pipe: 163,704 pounds per year (baseline, 2006 levels)
  - Offsets: capped at 100,000 pounds per year
  - Limits total allocation to **permitted flow** at BAT, 3 mg-N/L
  - Other WW rules allow for new and expanded facilities based on offsets obtained with no limit
  - Other WW rules allow 3.5 mg-N/L and permitted flow to be discharged from pipe – Falls 1.88 mg-N/L end of pipe
- DWR's latest draft sets phosphorus allocation to
  - End of pipe: 14,469 pounds per year (Stage I allocation)

Capped Loads at 2006 Permitted Flows - Comments

- *DWR's comments on the October draft rule indicate their intent was to limit the concentration, not the load, such that if permitted flow increased so would permitted load (at 3 mg-N/L) with overages offset.*
- *UNRBA comments:*
  - *Permitted flow is defined as that permitted in December 2006.*
  - *To address, the definitions of "permitted flow" and "expanding" would need to be revised and the application of the 3 mg-N/L to the expanded permitted flow explicitly stated so there is no room for misinterpretation*
  - *Definition is inconsistent with (8) of the rule re Nutrient Controls for New Dischargers. Those new sources are allowed to use nutrient credits by (e) of that rule. It also blocks consolidation of WWTPs which otherwise can combine their load allocations for the revised permit. Finally, it is inconsistent with the Neuse rules.*
  - *(9)(b) does not allow use of nutrient credits to expand existing dischargers in the partial calendar year of the application and 20 years thereafter for dischargers west of Hwy 50. However the definition at (3)(d) limits the revised NPDES permit to the 2006 load allocation. This tension, if not conflict in the rules should be resolved. The mostly likely resolution is to add to the definition load allocation acquired from other dischargers and load allocation from nutrient credits.*

Capped Loads at 2006 Permitted Flows – Comments, Continued

- *UNRBA comments, continued:*
  - *(11)(e) allows use of nutrient credits to meet the group limit. However, the group can only use credits and allocation as set out in the individual permits of the members. (11)(c) needs to be changed to include nutrient credits in individual permits.*

Continued Comment on (4)(d)

- *From Dan: (4)(d) of the rule is ambiguous. What is meant by DWR "revisit[ing] the allocations"? That sounds like a reallocation using its NPDES permit powers. There is clearly a tension with (5). Does it mean DWR will make recommendations, as appropriate, to the EMC? This is a huge economic threat to the POTWs. It could easily result in problems with the bond sales financing their improvements.*

Ability to Revise Allowable Loads based on Site Specific Standard (SSS)

- Regarding Item (4)(d) which reads, “Within ten years following the effective date of this Rule, the Division shall revisit allocation assignments 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, or relative to revisions of strategy goals resulting from development of a site-specific standard as provided in Rule .0750 of this Section”
- During meetings, DWR has noted that DWR needs to follow the Nutrient Criteria Development Plan (NCDP) if they establish the SSS, but that UNRBA could petition for a SSS.
- Rule .0750 only references the NCDP process
- This language in (4)(d) and (5)(a) should include at the end “or other rule-making process or petition as allowed under N.C. Gen. Stat. § 150B-20.”

Regarding Requiring 20 years of Offset Credits

- October draft says "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**"
- UNRBA had previously asked if this this consistent with other basin requirements?
- DWR's response: Yes (e.g., Neuse and Tar-Pamlico) "**The only substantive difference is that Falls requires 20 years of allocations/offsets instead of 10 years** in order to provide greater long-term certainty for allocations and reflects the longer planning horizon adopted for the Falls Lake strategy… a REDUCTION from the 30 years required in the current Falls Lake Wastewater Rule."
- UNRBA response: aren't all of the strategies, including Falls, required to be re-evaluated every 10 years? This is another example of Falls being treated differently than others.

Next Steps in Review Process

Next Steps in Review Process

- Initial review of DWR's October draft rules today
- Needs review by attorneys and the PFC
- How long does the PFC need to review and provide comments?
- We will need to compile comments and possibly re-distribute to the PFC if member comments are not in alignment
- Once resolved, we will provide to DWR for review and schedule a meeting with DWR to discuss

PFC discuss timeline for their review.

Information Sharing of Best Practices for Implementing Falls New Development Rules

Information Sharing of Best Practices for Implementing Falls New Development Rules

- Granville County and Wake County identified potential benefits of comparing best practices across local governments within the Falls Lake Watershed
  - Implementation of stormwater rules
  - Regulatory requirements for new development
- The New Development Workgroup met in September to discuss the best approach to provide information on the topics compiled thus far
  - Established the scope
  - Developed an outline and list of authors
- Workgroup is generating preliminary draft materials and will schedule a follow-up meeting to discuss a plan for sharing to the UNRBA members

Communications

Additional Information and Activities

- Reviewing existing information for jurisdictional use in developing presentations and handouts
  - Infographic
  - Fact Facts
  - Presentation materials as requested
- Continue meeting with DWR to work toward a joint set of rules to submit to the WQC and support presentations to the WQC and EMC
- Working through DWR to be engaged on their discussions with staff from the NC Office of State Budget Management
- 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
- Raleigh Watershed Protection Program land conservation prioritization model being updated by Triangle Land Conservancy (formerly the Upper Neuse Clean Water Initiative, UNCWI)
- 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 November 18, 2026

Closed Session 9:30AM to 10:15 AM

Regular Session 10:30 AM to 12:00 PM

Next PFC Meeting Scheduled for December 1, 2026

9:30 AM to 12:00 PM