



Upper Neuse River Basin Association (UNRBA) Board of Directors (BOD) Meeting Agenda
September 17, 2025, 9:30 AM to Noon
In Person Meeting at Butner Town Hall, Camp Butner Room
[Remote Access Option \(see last page for instructions\)](#)

Materials related to this BOD Meeting have been placed on the UNRBA website unless noted otherwise on the [Meeting Page](#). See items under the September 17, 2025, meeting date.

I. Opening—Wendy Jacobs, Chair

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

II. Action Items

- A. Approval of [June 18, 2025, Draft Board Minutes](#)
- B. Approval of the [September 2025 Treasurers Report](#)
- C. Schedule a Special Meeting of the Board for October 21, 2025
- D. Authorization to Develop a Letter of Engagement with Smith Anderson for Limited Support on Legal Aspects for a Petition of Rule Making
- E. Tax Return, for July 1, 2024 through June 30, 2025, 990 Form

III. Status Reports and Informational Items

A. Status of the Falls Lake Rules Readoption Process

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

Relative to rule readoption work, the UNRBA initiated an informal stakeholder process started in December 2024 with four rule workgroups. A summary of the drafts produced by the workgroups was presented to the PFC at their May 6, 2025; June 3, 2025; July 1, 2025; August 5, 2025; and September 2, 2025, [meetings](#). The UNRBA drafts have been available to DWR and key stakeholders during this process.

On June 24th, the NC Division of Water Resources (DWR) hosted a Falls Rules Readoption Stakeholder Meeting. Comments received and edits made following these meetings were compiled and distributed to the PFC for review at their September 2nd meeting.

The UNRBA only learned that DWR was drafting its own version of the rules at the May 8th EMC meeting. DWR provided the UNRBA their draft rules on August 25th. While those drafts were provided to the PFC members, UNRBA did not have time to fully evaluate DWR's draft rules for the September 2nd PFC meeting and only provided a high-level review. The Executive Director, support team, and PFC Co-Chairs are currently reviewing these documents and met with DWR staff on August 28th to discuss.

As our review continues, it is clear that there are important outstanding issues between the DWR and UNRBA versions of the rules. We have been working diligently to address differences, but the specifics of the

DWR draft have only been available for a short time. We also met with DWR on August 29th to discuss the Purpose and Scope Rule, including a discussion of the Falls-specific assessment methodology provided in our draft and are scheduled to meet on September 16th to discuss the Wastewater Rule.

The PFC decided at their September 2nd meeting to work to incorporate some of DWR's draft language into our draft without revising important aspects of the UNRBA draft. Following that effort, a revised UNRBA set of rules will be reviewed and considered at the October 7th PFC meeting. This effort will incorporate language that provides improved wording and clarifies implementation. We will maintain key elements consistent with the UNRBA's Workgroup process and Consensus Principles II. Only language consistent with the intent of the August version of the UNRBA's draft-draft rules will be incorporated. After the PFC finalizes the draft rules, they will be provided to the Board for review as soon as possible.

To meet our schedule of providing draft rules to the EMC at their November 12th Water Quality Committee meeting, we asked the UNRBA Executive Committee if a special, **virtual** meeting could be held in October. Following their concurrence, an invite was sent to the Board Directors and Alternates for a virtual meeting on October 21st from 9:30 AM to 11:30 AM. The purpose of this meeting is to review and consider approving the submittal of the UNRBA's draft rules to the Commission as an **information item**. The UNRBA is also working on supplemental fiscal information to provide to the Commission. This would be ahead of developing a petition for rulemaking. The economic information is not required for a "person" to make a petition, but it will be helpful to the process provided the Commission approves going forward with the petition. Action to approve the petition will trigger agency action to create a fiscal note (economic impact analysis). Developing the UNRBA's economic information is important to timely re-adoption of the rules. Once the supporting fiscal information has gone through the UNRBA approval process, the UNRBA can provide a petition to the Commission to begin the formal process. Our goal is to seek approval of the Board to submit a petition for rulemaking and to submit the petition to the EMC, hopefully at their **January 2026** meeting. This would begin a rules review process that is projected to be acted upon by the Rules Review Commission in March 2027.

House Bill [926](#) was approved by the House but not by the Senate. We continue to track this bill as it could affect our draft New Development Rule.

The following topics further address areas of disagreement between the UNRBA and DWR draft Rules.

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

Item Summary (Alix Matos): The UNRBA draft Purpose and Scope Rule continues with the 4B alternative approach currently established by the Falls Rules (a nutrient management strategy). The UNRBA's Rules aim to improve water quality, protect designated uses, and work toward achieving the chlorophyll-a water quality standard using a Falls-specific assessment methodology. DWR's draft Purpose and Scope Rule sets a goal of reducing total nitrogen load by 20 percent and total phosphorus load by 40 percent from a baseline year of 2006. These two approaches are fundamentally different and impose different implementation requirements on the individual rule sections. For example, DWR's draft Purpose and Scope Rule would impose delivery factors when acquiring or calculating the need for new development or wastewater offset credits.

The UNRBA Workgroup Process, which included DWR, has structured the draft Falls Rules around an integrated watershed health approach. DWR's version of the Rules reverts back to counting pounds and limits implementation of more holistic approaches by requiring a prioritization of nutrient pounds counting. DWR has acknowledged in recent meetings that though nutrient loading to Falls Lake has decreased, chlorophyll-a concentrations have not responded in a comparable manner. This reservoir is a hydrologically modified,

complex system that does not exhibit a predictable relationship between nutrient loading and chlorophyll-a concentrations. The UNRBA strongly supports continued nutrient management in a way that improves the overall ecological health of the system using science-based, feasible solutions. We will not accept overly restrictive, costly, ineffective requirements that “look good on paper” but do nothing to improve water quality.

As noted above, the UNRBA is proposing in its Purpose and Scope Rule a Falls-specific assessment methodology for 305(b) Integrated Reporting. Falls Lake has been, and continues to be, monitored at 12 stations, monthly, every year since 2010. NC samples 160 other lakes and reservoirs only during the warm months on a five-year rotating schedule. Only Jordan Lake is monitored at a similar level as Falls. The NC Assessment Methodology triggers non-compliance with water quality standards with only two to four exceedances. For a lake monitored as heavily as Falls, this small-number trigger is not scientifically valid.

Our contractor, Dr. Martin Lebo has conducted an evaluation and made recommendations for a Falls-specific assessment methodology. Our contractors have evaluated the impacts of our proposal on the previous Falls assessment periods (five-year rolling periods). The UNRBA’s proposal does not put the lake in compliance. Rather, it provides for a stable, scientifically valid approach that can be used to evaluate lake response to future management actions.

We continue to keep development of a site-specific chlorophyll-a standard as an important long-term goal, but we do not want to deter moving forward with revised rules and a Falls specific 303(d) assessment methodology. Dr. Martin Lebo is coordinating with the statistical modeling effort on his continued evaluation of a Falls Lake-specific assessment methodology and site-specific chlorophyll-a. We greatly appreciate that the NC Collaboratory is provided additional funding to Dr. Nathan Hall to provide input on some of the ecological processes in Falls Lake (including algal species and edibility of higher trophic level organisms) related to development of a Falls Lake-specific assessment methodology and site-specific chlorophyll-a.

C. Wastewater Rule and UNRBA Modeling of Permitted Flow Scenarios

Item Summary (Alix Matos): The current Falls Wastewater Rules includes load allocations that are not possible for the wastewater treatment plants (WWTPs) as they approach permitted flows. They are currently in compliance with the Stage I requirements because they are operating at half capacity and because the WWTPs have been upgraded to five-stage biological nutrient removal. The UNRBA has evaluated a permitted flow scenario assuming WWTP effluent concentrations consistent with these upgrade designs (3.0 mg-N/L and 0.1 mg-P/L). We used our Watershed Analysis Risk Management Framework (WARMF) and Environmental Fluid Dynamics Code (EFDC) models to simulate the water quality impacts of this scenario. The PFC reviewed the results of this modeling at their September 2nd meeting. A summary of findings will be presented during the meeting including the minimal impact to chlorophyll-a concentrations in the upper lake and the relative degree of loading increase compared to year-to-year variability caused by rainfall. We will also discuss the key differences between the UNRBA and DWR versions of the Falls Rules including the underlying framework (4B versus total maximum daily load), establishing effluent concentrations, how to address increased nutrient loading from the WWTPs relative to Stage I load allocations which are not feasible at permitted flows, and whether to allow investment in watershed health projects or require purchase of nutrient offset credits.

D. Existing Managed Lands Rule

Item Summary (Forrest Westall): DWR continues to propose capping the investment credit for land conservation in their draft of the Existing Managed Lands Rule. While DWR’s draft allows full credit for areas of a site where

water quality improvement projects are implemented (e.g., stream restoration), it limits the investment credit for other areas of the site that are not “enhanced” to 25 percent. This cap on investment credit will limit the extent of land conservation in the Falls Watershed and leave upland areas that drain to riparian areas of a site at risk for future development. No stakeholders in the Falls or Jordan Watersheds have expressed support for a cap on investment credit for land conservation. At both the Falls and Jordan stakeholder meetings that we have attended, only DWR staff have supported this position. The UNRBA draft rules will not include an investment cap on this critical practice.

Other elements of DWR’s Existing Managed Lands Rule are untenable: requiring 2-yr forward looking projections of projects, funding sources, and partners; limiting credit for early implementation to 15 percent a year (potentially requiring reductions beyond the goal of their Purpose and Scope Rule), and requiring the investment-based compliance group to jointly select projects and develop 2-year projections. The administrative burden of these requirements will severely limit their efficacy and potentially nullify the group compliance option. DWR was receptive to this feedback during the September PFC meeting.

E. New Development Rule

Item Summary (Forrest Westall): As noted at previous meetings, the UNRBA has been tracking DWR’s draft rules for other watersheds including Jordan and High Rock Lake with a particular focus on their New Development Rules. DWR’s draft Falls New Development Rule included provisions and methodologies that have not been discussed with the UNRBA or presented in any other draft watershed rules. Some of the provisions in their New Development Rule appear helpful, and the UNRBA is reviewing these aspects for potential incorporation into our draft rule. Other aspects require the use of a reconfigured stormwater nutrient load accounting tool that has not been thoroughly tested, vetted, or even applied to example projects according to DWR staff comments during the September PFC meeting. The UNRBA is supportive of tool updates that improve functionality, but we do not support use of this tool for regulatory purposes until it has been properly vetted and approved by the EMC.

F. Extension of IAIA Program

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

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

Item Summary (Forrest Westall): We continue to monitor DWR’s draft proposal for nutrient management rules for the High Rock Lake Watershed and their rules readoption process for the Jordan Lake Watershed. We remain concerned that these processes could negatively impact the Falls Lake rules readoption process, both in timing and in trying to “set” an approach for nutrient management that could be inconsistent with the

recommendations of the UNRBA. The UNRBA seeks to ensure that productive programs continue in Falls and are not put at risk by seeking new and potentially more restrictive requirements which could generate considerable push back by stakeholders. Our preliminary look at the proposals that have recently been distributed have not adequately addressed our concerns. We should not let these other processes hamper the well-developed and researched UNRBA recommendations for the Falls Lake Rules readoption.

H. Communications Support

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

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

The “open” nature of all UNRBA meetings remains a key component of a transparent communications approach. We encourage 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. We also continue to look to our engaged membership representatives to use materials developed to help with communication within their jurisdictions. We remain available to assist with any presentations/meetings that are set up to discuss Falls Lake and the status of our work and the rules readoption process.

I. Ongoing Discussions/Issues:

Item Summary (Forrest Westall):

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

J. Closing Comments—Board Members and Chair

Next PFC Meeting: October 7, 2025, 9:30 AM to 12:00

Special Board Meeting: October 21, 2025, 9:30 AM to 11:30 AM, VIRTUAL ONLY

Board Meeting: November 19, 2025, in person, Butner Town Hall, 9:30 AM to Noon

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

[Remote Access Instructions Follow on the Next Page](#)



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- If you dial in through your phone, mute your computer microphone and turn down your speakers to **avoid feedback**
- Unless you are speaking, please mute your computer/device microphone or phone microphone to **minimize background noise**
- UNRBA meetings are open meetings; however, please **limit the discussion to UNRBA Board Members** to facilitate moving through action items