

UNRBA Board of Directors: September 17, 2025, Board Minutes

The Board of Directors of the Upper Neuse River Basin Association (UNRBA) met at 9:30 A.M. on Wednesday, September 17, 2025, via an in-person and conference call/webinar. Meeting attendees are listed below.

Name	Affiliation
Wendy Jacobs (Chair)	Durham County
Jane Harrison (Vice Chair)	City of Raleigh
Russ May (Secretary)	Granville County
Ryan Eaves (Treasurer)*	Durham County
Forrest Westall (Executive Director)	UNRBA
Georgana Kicinski	City of Creedmoor
Reggie Hicks	City of Durham
Carl Rist	City of Durham
Kieu Tran	City of Durham
Michelle Woolfolk	City of Durham
Ed Buchan	City of Raleigh
Tirrill Moore	City of Raleigh
David Harris	Durham County Soil & Water
Wesley Poole	Orange County
Christopher Sandt	Orange County
Marilyn Carter	Orange County
Scott Schroyer	SGWASA
Vicky Daniels	Town of Butner
Jennifer Ganser	Town of Butner
Meaghun Darab	Town of Hillsborough
Terry Hackett	Town of Hillsborough
Tim Karan	Town of Stern
Katie Cromwell	Upper Jurisdictions
Jennifer Tavantzis	Upper Jurisdictions
Jim Wrenn	Upper Jurisdictions
Nancy Daly	Wake County
Donna Myers	American Rivers
Alix Matos	Brown & Caldwell
John Huisman	DWR
Sandi Wilbur*	City of Durham
Kathy Cooper*	City of Raleigh
McKenzie Bradshaw*	Durham County
Jessica Goodstein*	Durham County
Barry Baker*	Granville County
Sherry Wilborn*	Person County
Katherine Cathey*	Person County
Nick Nolte*	Town of Wake Forest
Robert Hornik*	Upper Jurisdictions
Shinica Thomas*	Wake County
Haywood Phthisic*	Haywood Phthisic
Lauren Strader*	Brown & Caldwell
Dan McLawhorn*	DFM Law Office
Carleen Evans*	Winston, Williams, Creech, Evans, and Co., LLP
Pam Andrews*	

*Attended meeting virtually

Welcome and Recognition

The Chair, Wendy Jacobs, called the meeting to order and welcomed all those in attendance and those participating through remote access. Wendy asked if any of the Board Directors have any “conflict of interest” issues with any agenda items, and no conflicts were identified. The Chair called the roll and 13 of 14 members were present for a quorum. The Chair asked if there were any amendments to the agenda. Being none, Meaghun Darab made the motion to approve the agenda, seconded by Jane Harrison, and approved by the Board.

Action Items –

Approval of Minutes, June 18, 2025, Board Meeting – The Chair asked the Board if there were any edits or corrections to the draft minutes provided. Hearing none, Carl Rist made the motion to approve the minutes, seconded by Georgana Kicinski, and approved by the Board.

Treasurer’s Report – Ryan Eaves presented the Treasurer’s Report for the period ending September 4, 2025. The checking account balance at the close of the statement was \$183,156.48, and the savings account balance was \$1,283,728.36. Following review of the report, Vicky Daniels made the motion to approve the Treasurer’s Report as presented, seconded by Jane Harrison, and approved by the Board.

Schedule a Special Meeting of the Board for October 21, 2025 – Forrest Westall reviewed the status of the Falls Lake Rules Readoption Process and how DWR’s release of its draft Falls Rules resulted in a delay of the UNRBA’s process. Forrest had planned to bring draft UNRBA Rules to the Board at this September meeting, but he and his staff need time to consider and integrate, where appropriate, DWR’s draft language. He requested that the Board schedule a virtual, special meeting for October 21, 2025, to review an integrated version of the rules. Following discussion, Carl Rist made the motion to schedule a special meeting, seconded by Meaghun Darab, and approved by the Board.

Authorization to Develop a Letter of Engagement with Smith Anderson for Limited Support on Legal Aspects for a Petition of Rule Making – Forrest Westall reviewed the rules readoption process and explained that UNRBA and DWR are approaching a crossroads in the process. While both organizations continue to state support for developing and submitting joint rules, DWR began an independent process in spring 2025. There remain key issues that must be addressed. If resolution cannot be achieved in a single draft set of joint rules, the UNRBA will need to be ready to develop a rulemaking petition to the Environmental Management Commission (EMC). While the UNRBA would develop these materials, and the UNRBA Board would have to vote to approve any submittal, this is a legally described regulatory process that needs to be guided by appropriate legal support. Forrest requested that the Board authorize him to develop a letter of engagement with Smith Anderson, the law firm of Jim Wrenn. The Board discussed Jim’s long history with the UNRBA, his work on the negotiations for the 2011 rules, and the need for continuity. The Board also discussed including Dan McLawhorn as part of the legal team based on his history and expertise with NC nutrient, stormwater, and wastewater rules and regulations. The Board discussed potential conflicts of interest by engaging Smith Anderson, which also represents several UNRBA members. The Board discussed the need for transparency on this issue, the process by which the Board would govern the decision making, and the team available through Smith Anderson to support this effort. The Board discussed a limited scope for this letter of engagement and the need for legal support. The Board also discussed the seriousness of a decision to file a petition for rulemaking and that incremental approvals to continue on this path would be needed. Forrest also explained that a draft letter would be developed and reviewed by the UNRBA Executive Committee and Path Forward Committee and then distributed to the Board a week before the October 21, 2025, special meeting. Forrest explained that these services would be paid from the existing legal fund which the UNRBA has been funding through dues for several years. The Board requested tracking the legal

fund balance moving forward. Following this discussion, Vicky Daniels made the motion to authorize the Executive Director to work with Jim Wrenn to develop a letter of engagement, seconded by Meaghun Darab, and approved by the Board.

Review Tax Return, for July 1, 2024, through June 30, 2025, 990 Form. Forrest reviewed the requirement that the Board must be given the opportunity to review the 990 Form prior to submittal to the Internal Revenue Service. The Board acknowledged this review; no formal approval of the form was needed.

Informational Items

Status of the Falls Lake Rules Readoption Process – Forrest reviewed the Rules Readoption schedule and stakeholder process to develop “draft-draft” rules. He reviewed the extensive work and stakeholder engagement that the UNRBA has used to develop its draft rules. He reviewed the process the UNRBA is using to integrate parts of DWR’s draft rules, where appropriate, into the UNRBA version. The Board requested that stakeholders continue to be included in this process to review the updated draft rules. The Board also requested a summary table to summarize the differences and similarities between the UNRBA and DWR rules including scientific basis, financial impact, and feasibility. Forrest described the level of engagement with DWR throughout this process and indicated that additional meetings are being scheduled with DWR and DEQ leadership. The Board requested a redline markup version of the rules, a clean copy, and the supplemental information that has been provided on previous drafts. The Board discussed the challenges that will arise if DWR and UNRBA each submit draft rules to the EMC. He also noted again that neither organization prefers this approach. The Board discussed the financial challenges already faced by the citizens in the upper part of the watershed to comply with current rules and the imbalance in hardship across the watershed. The Board also discussed the recently proposed House Bill 926 as an example of external parties taking control of aspects of the Falls Rules and the risk of keeping and promoting an effective, technologically valid, feasible, economically responsible set of rules. If the process does not proceed in a timely and effective way with DWR and UNRBA working cooperatively together, that goal will be in jeopardy.

Review of Specific Sections of the Rules and DWR’s Proposed Draft Released on August 25, 2025

Purpose and Scope Rule and Falls-Specific Assessment Methodology – Alix Matos reviewed the differences in the frameworks for each set of rules. She explained that UNRBA is proposing a “4B alternative” watershed management approach that promotes integrated watershed health while DWR is proposing a conventional, total maximum daily load (TMDL) approach that requires nutrient load reductions to be tracked, pound for pound. She also reviewed the need for a Falls-specific assessment methodology because Falls Lake is monitored much more intensely than any other lake in NC. While UNRBA proposes a Falls-specific assessment methodology in the rules, DWR does not. These differences are critical to resolve if joint rules are to be submitted. Forrest noted the help provided by Dr. Marty Lebo to evaluate the need for a specific Falls Lake 303(d) assessment methodology and a site-specific chlorophyll-a criteria for the lake. He also thanked Dr. Nathan Hall for his work to support these efforts and in providing helpful analyses of the proposals.

Wastewater Rule and UNRBA Modeling of Permitted Flow Scenarios – Alix explained the different requirements for wastewater treatment plants (WWTPs) under each rule. UNRBA’s rule allow the three major facilities to discharge at permitted flow with effluent concentration limits of 3.0 mg-N/L and 0.1 mg-P/L and requires proactive investment in watershed health projects as loads increase incrementally (\$500,000 per year as a “holding” place—this could be revised). UNRBA’s rules also require monitoring and adaptive management, tracking emerging technologies, and continued optimization of performance. DWR’s draft rules retain the Stage I allocations from the current rules which require a 20% reduction in total nitrogen load and a 40% reduction in total phosphorus load relative to 2006 loading. The facilities were discharging about 25% to 40% of their permitted flows in 2006. Currently, the facilities are cumulatively

discharging approximately 50% of permitted capacity. DWR's rule would require either the purchase of nearly 200,000 pounds of nitrogen credit per year (not feasible because credits are not available at that scale) or require upgrading to reverse osmosis (not feasible due to highly concentrated reject stream with no suitable disposal options) to utilize their permitted capacity. John Huisman (DWR) indicated that 180,000 pounds of nitrogen credit are currently available for purchase, but these are 30-year credits, so there are currently 6,000 pounds of nitrogen credit. And since point source credits purchased from non-point sources require a 50% uncertainty factor, this translates into only 4,000 pounds of nitrogen credit per year. Forrest explained those will cover about two years of need for new development offset credits (credits would be needed for both new development and point sources). Alix also reviewed the UNRBA's Environmental Fluid Dynamics Code modeling results for three locations in Falls Lake. She explained that simulated chlorophyll-a concentrations, using the permitted capacity of the WWTPs at 3 mg/L TN and 0.1 mg/L TP, only increase slightly in the upper lake but are well within the variability seen in the monitoring data because the relative loading increase is small. The impact is not significant and is much smaller than normal variation in chlorophyll-a measurements. Forrest noted that the WWTP issues are critically important to the watershed and must be addressed reasonably in the readopted rules.

Existing Managed Lands Rule – Alix reviewed the outstanding issues between the UNRBA and DWR drafts. The Board discussed the importance of land conservation to the protection of water quality and maintenance of stability in the lake. Alix explained that DWR continues to include a cap on investment credit for the areas of a site that are not enhanced, and that the UNRBA rules will not include a cap. This remains a critical issue and the Chair noted that no stakeholder in the Falls or Jordan watersheds support a cap on this practice. Board members stated their ongoing support for full conservation credit in an investment-based approach. Alix also reviewed the administrative burden associated with DWR's rules and the potential elimination of the group investment-based program due to this burden. She also noted that the investment-based programs that are included in DWR's and UNRBA's drafts could be challenged under DWR's version of the rules because DWR's Purpose and Scope Rule requires load reductions and the investment-based program tracks compliance by investment (and tracks nutrient reductions when credits are quantifiable). Alix noted that DWR staff were receptive to the feedback on the administrative burden during the September PFC meeting.

New Development Rule – Alix discussed that 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. However, 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. She noted that the UNRBA is supportive of tool updates that improve functionality but does not support use of this tool for regulatory purposes until it has been properly vetted and approved by the EMC. The rule can include a provision for use of tools adopted by the EMC in the future.

IAIA Update

Extension of the IAIA Program – Alix reviewed the remaining duration of the Stage I Existing Development Interim Alternative Implementation Approach (IAIA) which ends June 2026. Given the rules will likely not be adopted until early 2027, the UNRBA may request an extension until the rules are readopted. The Compliance Group Committee will address this need at the November 2025 Board meeting. She also reminded the Board that the annual IAIA reports for the period ending June 30, 2025, are due to DWR with a copy to Forrest and Alix by September 30, 2025.

Continued Rule Development for Jordan Lake and High Rock Lake Watersheds – Forrest discussed the potential impacts of DWR's draft proposals for the High Rock Lake and Jordan Lake nutrient management strategies. He noted that the UNRBA team is continuing to monitor these processes.

Communication Support – In addition to the activities discussed earlier in the meeting, Forrest reviewed efforts to provide wider communication of the work of the UNRBA and our efforts to readopt the Falls Lake Rules. Upcoming events include status updates to the EMC (November); planning for notice to additional stakeholders to be included when the draft goes to the Board in October; and planning for meetings with DEQ and DWR. Forrest the noted the UNRBA has met with EPA to discuss the assessment issue and will schedule a follow-up meeting through Fred Andes at Barnes & Thornburg.

Other Items – Forrest listed other items the UNRBA is tracking including the NC State University UNRBA and Jordan Lake One Water research study and the impacts of PFAS/PFOS on treatment costs and local governments.

The next scheduled Board meeting will be held virtually October 21, 2025, at 9:30 A.M. via Teams.

With no other business, the meeting was adjourned.

DRAFT