

UNRBA Board of Directors: October 21, 2025, Board Minutes

The Board of Directors of the Upper Neuse River Basin Association (UNRBA) met at 9:30 A.M. on Tuesday, October 21, 2025, via a Teams meeting/conference call. Meeting attendees are listed below.

Name	Affiliation
Wendy Jacobs (Chair)	Durham County
Jane Harrison (Vice Chair)	City of Raleigh
Ryan Eaves (Treasurer)	Durham County
Russ May (Secretary)	Granville County
Forrest Westall (Executive Director)	UNRBA
Georgana Kicinski	City of Creedmoor
Reggie Hicks	City of Durham
Fred Lamar	City of Durham
Carl Rist	City of Durham
Sandi Wilbur	City of Durham
Michelle Woolfolk	City of Durham
Ed Buchan	City of Raleigh
Kathy Cooper	City of Raleigh
Tirrill Moore	City of Raleigh
Barry Baker	Granville County
Wesley Poole	Orange County
Sherry Wilborn	Person County
Scott Schroyer	SGWASA
Jennifer Ganser	Town of Butner
Meaghun Darab	Town of Hillsborough
Terry Hackett	Town of Hillsborough
Tim Karan	Town of Stem
Nick Nolte	Town of Wake Forest
Katie Cromwell	Upper Jurisdictions
Jim Wrenn	Upper Jurisdictions
Nancy Daly	Wake County
Don Mial	Wake County
Donna Myers	American Rivers
Alix Matos	Brown & Caldwell
Dan McLawhorn	DFM Law Office
Anne Coan	NC Farm Bureau

Welcome and Recognition

The Chair, Wendy Jacobs, called the meeting to order and welcomed all those participating. 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, Jane Harrison made the motion to approve the agenda, seconded by Meaghun Darab, and approved by the Board.

Action Items

Approval of Minutes, September 17, 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 Meaghun Darab, and approved by the Board.

Treasurer’s Report – Ryan Eaves presented the Treasurer’s Report for the period ending October 7, 2025. The checking account balance at the close of the statement was \$577,976.57, and the savings account balance was \$1,287,003.21 (a copy of the Treasurer’s Report is posted on the UNRBA website). Following review of the report, Georgana Kicinski made the motion to approve the Treasurer’s Report as presented, seconded by Jane Harrison, and approved by the Board.

Approval of the Letter of Engagement with Smith Anderson for Limited Support on Legal Aspects for Rulemaking and a Petition of Rulemaking – Forrest Westall reviewed the draft engagement letter distributed initially to the UNRBA Board Officers (the Executive Committee) for their review and then to the full Board for consideration. Jim Wrenn summarized the scope of work and reiterated that Smith Anderson would only act on behalf of the Association as discussed and defined in consultation with the Board as reflected in the Letter. If the UNRBA and DWR are able to work on a joint set of rules, Smith Anderson would provide review for regulatory compliance and legal sufficiency, making recommendations to the Executive Director for revising the draft rules referred to the PFC and Board for consideration. Jim indicated that all member attorneys would be invited to engage in this process, provide reviews, and propose/discuss draft rule language and provisions throughout this process. If the UNRBA Board later determines it is in the best interest of the Association to submit a petition for rulemaking to the NC Environmental Management Commission (EMC), then Smith Anderson would support that process in addition to the review of rule language for regulatory compliance and legal sufficiency. The Board discussed the potential for Smith Anderson to be in conflict with its individual clients and the Association. Jim indicated he had reviewed this potential concern with his individual clients and his firm’s ethics council. Because the Association resolves conflicts between/among its members through the technical work of the Path Forward Committee, which makes recommendations to the Board, and the Board ultimately makes decisions on behalf of the Association by consensus, the potential for conflict for Smith Anderson is very limited. The Board discussed a hypothetical conflict and the steps for waiving Smith Anderson’s involvement as described in the letter of engagement. Following this discussion, Sherry Wilborn made the motion to approve the letter of engagement, seconded by Russ May, and approved by the Board.

Informational Items

Status of the Falls Lake Rules Readoption Process – Forrest reviewed the Rules Readoption schedule and stakeholder process to develop “draft-draft” rules (the preliminary draft before a final draft is approved by the Board). He reviewed the extensive work and stakeholder engagement that the UNRBA has used to develop its draft rules. He reviewed the October 7th meeting with DWR Leadership, the EMC Chair, UNRBA Chair, PFC Co-Chairs, and the UNRBA Executive Director team. In this meeting, agreement was achieved and compromise reached on several critical issues. Wendy Jacobs expressed appreciation for the work of the UNRBA members and staff in making good progress toward consensus with DWR while also protecting

the interests of the UNRBA members. Following the October 7th meeting, UNRBA staff revised the UNRBA draft-draft rules to reflect the compromises discussed with DWR Leadership and the EMC Chair. Forrest distributed a redline markup version of the rules, a clean copy, and the supplemental information that has tracked the discussions and input on the rule language over the past several months. Forrest indicated that UNRBA and DWR Planning staff still need to meet to finalize the rule language around the compromises made. There remains the issue of requirements for point sources which is a topic still being discussed with DWR. He noted that the UNRBA's October drafts were our reflection of the compromises. DWR were also provided copies of these drafts. Forrest also provided an update on House Bill 926 which was approved by the House and Senate (and is now law).

Review of Specific Sections of the Rules Reflecting the UNRBA PFC Discussions and Compromises Made with DWR Leadership and the EMC Chair on October 7, 2025

Purpose and Scope Rule and Falls-Specific Assessment Methodology – Alix Matos summarized the discussions from the October 7th PFC meeting and the October 7th meeting with DWR Leadership and the EMC Chair. She explained that UNRBA is proposing a “4B alternative” watershed management approach to meet requirements under the federal Clean Water Act. This approach promotes integrated watershed health to continue working toward meeting the chlorophyll-a water quality standard. During the PFC meeting, the PFC discussed offering a compromise to DWR/EMC that afternoon to forego specifying a Falls-specific assessment methodology in the Rules if DWR would agree to work with UNRBA, other stakeholders, and subject matter experts on a site-specific chlorophyll-a standard for Falls Lake that would better reflect the science and correlation to designated uses. Forrest noted in reaching this decision that the UNRBA's proposed assessment methodology would not change the current compliance status of Falls Lake with the chlorophyll-a standard and that in the future, the chlorophyll-a standard will need to be addressed with strong engagement by the UNRBA. He noted that development of a site-specific standard will require collection and analysis of data, updating water quality models, and constant attention to see that this evaluation is completed. DWR Leadership agreed during the October 7th meeting that, from their perspective, this was a better approach than putting a Falls specific assessment methodology in the Rule and that the appropriate subject matter experts would need to be identified. Forrest reminded everyone of the several NC Collaboratory researchers who studied Falls Lake, some of whom were either members of the Scientific Advisory Council or that supported that effort. This Council was responsible for evaluating the need and provisions for a site-specific chlorophyll-a standard for High Rock Lake. On October 7th, the PFC had also discussed placing monitoring requirements in a water quality protection plan (WQPP) rather than in Rule, clarifying language regarding Water Supply Waters, and clarifying the stability metric established by support work done by Dr. Marty Lebo. The monitoring issue was also discussed during the afternoon meeting with DWR Leadership and the EMC Chair; DWR indicated that funding levels and resource constraints limited their ability to conduct water quality monitoring.

Existing Managed Lands Rule – Alix summarized the October 7th meetings for the existing managed lands rule as well. One item discussed by the PFC was not covered in the afternoon meeting with DWR Leadership and the EMC Chair: DWR's proposal to limit the amount of nutrient reduction credit or investment credit associated with early implementation to 15 percent each year. This limit is not consistent with the current rule language, could require entities to exceed rule requirements, and discourages/penalizes early implementation. The UNRBA will continue to discuss this issue with DWR and seek resolution. The PFC also discussed that the rule may not be able to require existing development load reductions by local governments beyond the areas they currently own due to statutory limitations. UNRBA's draft-draft rules attempt to address this issue by stating that the Association will work with willing landowners to implement projects and conduct activities. Following the PFC meeting, Anne Coan, with the Farm Bureau, noted that the exclusion of agriculture from regulatory requirements had been removed from the September version; the October version distributed to the Board corrected this omission. During the meeting with DWR Leadership and the EMC Chair, we achieved a compromise on land conservation. DWR Leadership indicated that a land conservation project would receive full investment credit for all areas of the project if the area

would be permanently protected and a documented plan was developed to describe the enhancements that would be made within the project boundary that benefit water quality. Improvements for all parts of a conservation area would not be required for full credit but a plan identifying the areas to be addressed would be required before full credit can be taken. The October version of the rule was edited accordingly, and additional details will be developed and included in the WQPP. The EMC Chair commented that he did not want the EMC to review changes to DWR's Stormwater Nitrogen and Phosphorus (SNAP) Tool; Forrest noted that discussions on this topic will likely continue and there could be some adjustments made on this issue. During the afternoon meeting, we also discussed the administrative burden associated with the two-yr planning projections DWR had put in their draft August rule and that during more recent discussions, DWR Planning staff were receptive to this feedback from the PFC. The PFC Co-Chairs reiterated that compliance with annual investment levels is not possible without planning, but that site constraints, changes in available grant funding, and extreme weather events require them to be nimble when putting projects on the ground. DWR leadership and the EMC Chair indicated that compliance with the reporting dates for the IAIA annual reports would be sufficient to track implementation and program success and that 2-year projections were not needed.

New Development Rule – Alix mentioned that time constraints during the October 7th PFC meeting limited discussion on the UNRBA's September version of the New Development Rule, so feedback from the New Development Workgroup and anyone who had commented on the September draft rule was requested via email after the meeting. Two comments were received. One comment requested input from DWR on implementation of the runoff volume match requirement; this comment was forwarded to DWR and added to the UNRBA's October draft rule. This topic will be added to the upcoming UNRBA workshop on best practices for implementing the new development rules (anticipated for spring 2026). Another comment noted that exclusion of agriculture from the draft rule had been removed in the September version; the "Development Excluded" section of the October version of the New Development Rule distributed to the Board was edited to explicitly exclude "agriculture as defined in G.S. 106-581.1." During the meeting with DWR Leadership and the EMC Chair, DWR agreed to keep the new development loading rate target at 2.2 pounds of nitrogen per acre per year with a "primary" stormwater control measures if net built upon area was greater than 12% (as discussed in our workgroup meetings) rather than the new proposal in DWR's August draft for variable onsite and overall targets using a revised SNAP tool. DWR Leadership also agreed to not require use of DWR's new SNAP tool until it has been fully developed, beta tested, trainings offered, released for wide public review and other important vetting steps before it would be required. The UNRBA's draft rule allows for use of revised tool after these steps have been completed.

Wastewater Rule – Alix summarized the October 7th PFC meeting which discussed the challenges with the current Stage I load allocations that restrict the wastewater treatment plants (WWTPs) to much less than their permitted hydraulic capacity, the "80/90 Rule" (percentages of permitted hydraulic capacity) and implications for future planning for the WWTPs, and summarized the September 24th meeting with DWR leadership and the EMC Chair during which DWR Leadership had requested information on the amount of nitrogen reduction achieved since the baseline period to determine if some could be re-allocated to the WWTPs to use more of their permitted hydraulic capacity. The PFC also had discussed the importance of the October 7th meeting with DWR Leadership and the EMC Chair and noted that the outcome of the afternoon meeting would likely determine the UNRBA's path for rules readoption (either cooperatively with DWR or as a separate petition for rule making). Alix also summarized this part of October 7th meeting with DWR Leadership and the EMC Chair which included providing/discussing a UNRBA analysis of changes in nitrogen loading to the lake over the last 19 years. This analysis identified nearly 400,000 pounds per year reduction in nitrogen loading delivered to Falls Lake since 2006. We also discussed that additional reductions to Falls Lake will occur over time under the readopted Falls Rules due to investments in watershed health projects, continued implementation of the new development rule with a nitrogen loading target of 2.2 pounds per acre per year which was designed to incrementally reduce nitrogen load, continued reductions in atmospheric deposition of nitrogen, and continued reductions in nitrogen releases from the sediments within Falls Lake. DWR Leadership indicated they would review the documentation of this reduction estimate and determine if some could be reallocated to the WWTPs while still showing progress toward nutrient

reductions. The PFC Co-Chairs noted that the WWTPs were built decades prior to the 2011 Falls Rules and were still being financed. The three major WWTPs were later upgraded to five-stage biological nutrient removal (the limits of current technology) to comply with Stage I of the 2011 Falls Rules, and those upgrades are also still being financed. Not being able to use the permitted capacity of these facilities places an economic burden on these communities. DWR indicated they would review the documentation and develop a re-allocation proposal for further discussion with UNRBA. At the time of the Board meeting, the UNRBA had not received DWR's proposal.

IAIA Update

Extension of the IAIA Program – Alix reviewed the status of the five-year IAIA program which ends June 2026. As the Falls Rules will not be adopted until at least March 2027, 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 to review and approve the Year 4 UNRBA Annual Summary Report and an addendum to the IAIA Program Document and the UNRBA Bylaws to extend the duration of the program for five years or until the Falls Rules are readopted and an updated watershed protection plan is developed and approved by the Commission. The CGC will also consider approval of a draft letter to be signed by the Chair to submit the Year 4 Annual Summary Report to the EMC and request an extension of the IAIA program.

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. We have reviewed DWR's wastewater allocation scenarios for High Rock Lake which are much less restrictive than what DWR is proposing for Falls. For example, scenarios for WWTPs in the High Rock Lake watershed discharging greater than five million gallons per day (MGD) (like SGWASA and North Durham in the Falls) were evaluated with effluent total nitrogen concentrations exceeding five milligrams per liter (5 mg-N/L). For WWTPs discharging between 0.1 MGD and 5 MGD (like Hillsborough in the Falls), effluent total nitrogen concentrations ranging from greater than 5 mg-N/L to 10 mg-N/L were considered in the scenarios. In the Falls watershed, we have been unable to negotiate even 3 mg-N/L effluent concentrations, and the current permits require achieving approximately 1.5 mg-N/L at the permitted flow capacities of the SGWASA, North Durham, and Hillsborough facilities. While it is well understood that Falls Lake is significantly different than High Rock Lake and that many factors are just not the same, these requirements make those in place for Falls a very significant difference on the impacts to the jurisdictions and citizens in the watershed.

Communication Support – In addition to the activities discussed earlier in the meeting, Forrest reviewed efforts to provide 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) 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 November 19, 2025, at 9:30 A.M. at the Butner Town Hall with an option for remote access.

With no other business, the meeting was adjourned.