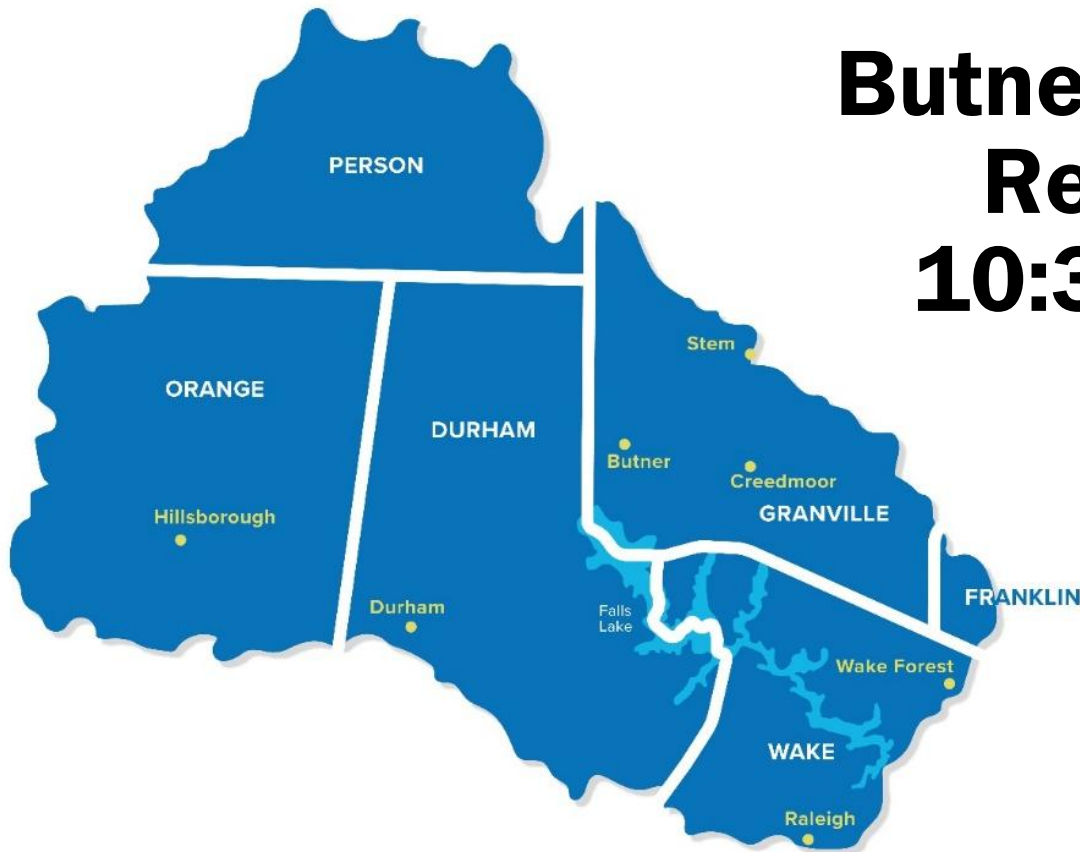




UNRBA Board Meeting May 20, 2026

**Butner Town Hall with
Remote Option
10:30 AM to Noon**



May 20, 2026, UNRBA Board Agenda

- **Opening—Wendy Jacobs, Chair**
- **Action Items**
 - Approval of May 20, 2026, Meeting Minutes
 - Approval of the Treasurer’s Report
 - Consideration of the Barnes & Thornburg Engagement Letter
- **Status Reports and Informational Items**
 - Status of the Falls Lake Rules Readoption Process
 - Status of IAIA Extension and Reminder for Year-End Reports
 - FY2027 Budget and Contract Process
 - Continued Rule Development for Jordan Lake and High Rock Lake Watersheds
 - Communications Support
 - Ongoing Discussions/Issues
- **Closing Comments**

Opening

Opening

- Introductions and announcements
- Roll call for quorum
- Identification of conflicts
- Review and approval of agenda
- Review voting hierarchy established in Bylaws
 - Primary Director
 - 1st Alternate if Primary Director is absent
 - 2nd Alternate if Primary Director and 1st Alternate are absent

Action Items of UNRBA Board of Directors

Approval of
March 18, 2026, Meeting Minutes

Approval of the Treasurer's Report

Balance Forward: (per bank statement - 03/31/2026)	Checking	\$	435,392.99
	Savings		1,309,623.99
Debits:			
Winston Williams Creech & Evans		\$	950.00
Brown & Caldwell		\$	32,296.56
WSP, Inc		\$	858.75
Smith Law		\$	23,512.20
Smith Law		\$	1,004.00
McGill Associates			23,207.75
	Total Debits	\$	81,829.26
Credits:			
Interest (checking)		\$	47.79
Interest (savings)			3,233.01
Account Balance (per bank statement - 04/30/2026)	Checking	\$	353,611.52
	Savings		1,312,857.00
Total UNRBA Account Balances:		\$	<u>1,666,468.52</u>
Outstanding invoices/deposits in process since the close of bank statement (04/30/2026):			
Debits:			
WSP, Inc		\$	1,710.00
Barnes & Thornburg		\$	28,414.24
Brown & Caldwell		\$	40,560.72
			-
Credits:			
Current Account Balances:	Checking	\$	282,926.56
	Savings	\$	1,312,857.00
Total UNRBA Account Balance :		\$	<u>1,595,783.56</u>

Legal Fund Balance

\$588,204.92 24/25	YE
<u>\$100,000.00 25/26</u>	<u>Allotment</u>
\$688,204.92	Total
\$ (43,856.99)	B&T contract
<u>\$ (150,000.00)</u>	<u>Smith Anderson contract</u>
\$494,347.93	Balance

Consideration of the Barnes & Thornburg Engagement Letter

Consideration of Barnes & Thornburg Engagement Letter

- Allow \$100,000 for legal services, as needed and approved

The Board will discuss and consider approval of the Barnes & Thornburg Engagement Letter.

Status Reports and Informational Items

Status of the Falls Lake Rules Readoption Process

Current Falls Lake Regulatory Framework

- Passed in 2011 because the lake did not meet the chlorophyll-a water quality standard as currently applied
 - Chlorophyll-a is an indicator of eutrophication
 - It is not toxic or tied directly to use attainment
- Two stages of nutrient load reductions relative to baseline (2006)
 - Stage I reductions: 20% nitrogen, 40% phosphorus
 - Stage II reductions: 40% nitrogen, 77% phosphorus
- Adaptive management provisions
 - Allows for re-examination with requirements to
 - Collect 3+ years of monitoring data
 - Update the watershed and lake models
 - Allows for alternative regulatory approaches

Falls Lake Uses are Being Met

Water Supply

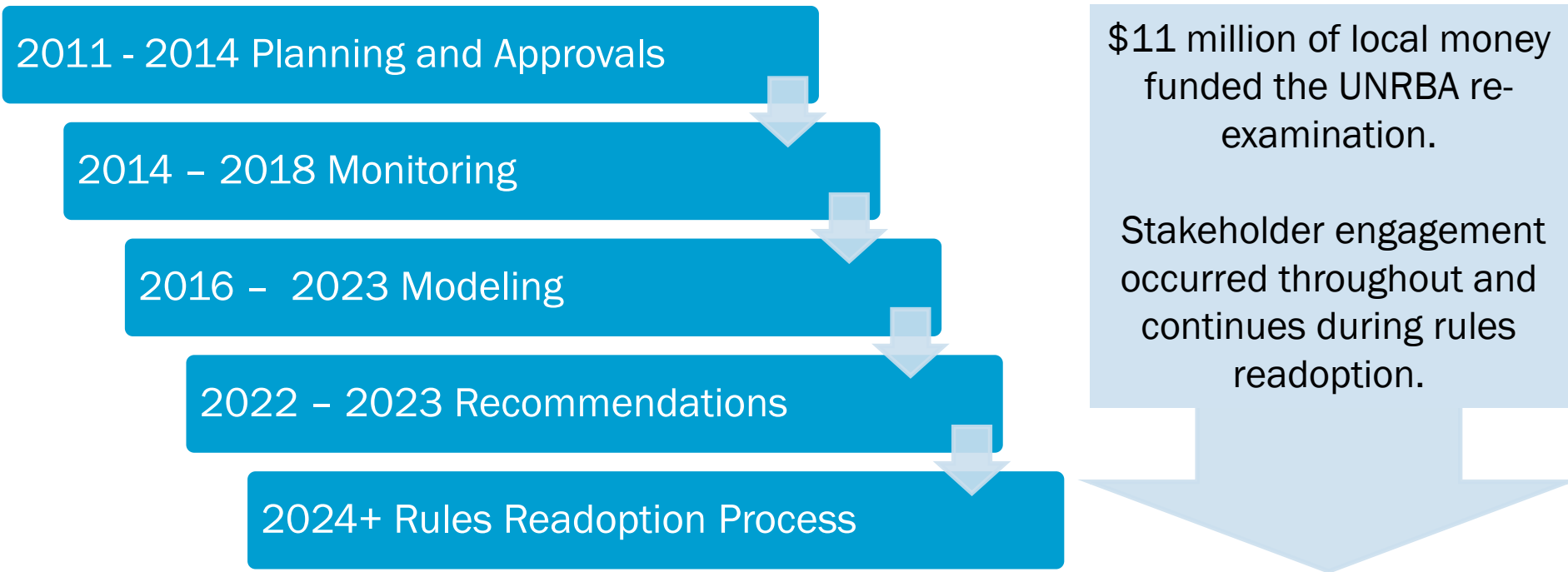
- Water is treated using conventional technology
- Raleigh won “best of the best” drinking water award

Recreation and Aquatic Life

- No nutrient related fish kills since Falls Lake was filled
- No public health advisors or algal toxin concentrations above guidelines or regulations



UNRBA Reexamination of Falls Lake Rules and Nutrient Reduction Requirements



Background on Rule Development

- The UNRBA worked intensively with stakeholders and DWR from December 2024 through May 2025 to draft rules (more than 20 meetings)
- At the May 2025 EMC meeting, DWR announced they were drafting their own rules and provided drafts in August
- Leadership from UNRBA, DEQ, and DWR began discussing options for a joint set of rules in Sept. 2025
- The UNRBA provided updated draft rules to incorporate appropriate language from the rules drafted by DWR (October)
- Leadership meetings have continued through February 2026
- In April, DWR provided drafts of four rule sections:
 - Purpose and Scope, Existing Managed Lands, New Development and Wastewater Rule
 - The UNRBA still has concerns with the rules received (next slides)

UNRBA Comments on DWR's April Draft Purpose and Scope (PS) Rule

PS: Summary of DWR Improvements

- Goal is to achieve the water quality standard
- Reference the previous rules and required reductions from regulated sources of 30% N and 70% P
- Added “readily available” elements to the 5-year reporting
- Removed compliance with the P&S rule from enforcement
- Included alternative regulatory framework language
- Included “offramp” for sub-basins if segments of the lake are meeting standard
 - Still needs further discussion and clarification on implementation
- Edited to “significant anthropogenic” sources in Scope Item

PS: Summary of Outstanding Issues

- Narrative should include that the lake is stable and there are no ecological problems
- The language should remove the word “restore” because there is no previous condition in the reservoir that is better than the current water quality.
 - Replace with “maintain and improve” water quality
- Referenced reductions of 30/70 still would not meet the standard and risk of third-party lawsuits remains; not required with a 4B Plan
- Relies on the Nutrient Criteria Development Plan (NCDP) to develop a site-specific standard without direct reference to UNRBA participation
- Does not adequately address need for tributary monitoring

UNRBA Comments on DWR's April Draft New Development (ND) 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”
 - Limits the types of activities eligible for nutrient credit
 - UNRBA/DWR will work to resolve so that use of DWR’s revised curve-number based tool can be used once properly vetted
- DWR’s language says local government rules can be more restrictive than state/federal law (red flag for some stakeholders)
- Additional discussion on how to address institutional development is needed
 - UNRBA/DWR will work to resolve based on example projects

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

EML: Summary of DWR Improvements

- Full and immediate credit for all activities after 2006
- Allows up to 50% of investment requirement to go toward recurring costs like operation and maintenance of projects
- Deleted the auditing language
- Allows subsequent versions of the NC Stormwater Control Measure Credit Document
- Added language supporting an integrated water resources management approach
- Removed forward-looking planning requirements for investment-based approaches
- Allowed more time for revisions to program plans

EML: Summary of Outstanding Issues

- Additional discussion on how to reference existing development category in the UNRBA watershed model
 - UNRBA/DWR will work to resolve
- Need to reference an EMC-approved Program Document rather than listing practices in rule
- Investment credit for education and outreach was intentionally omitted; maybe count under programmatic activities; required element of MS4 permits
- Requirement to track expenditures is overly burdensome for local governments selecting nutrient-based compliance
- Rules would require local governments to use the updated stormwater tool for existing development and the old tool for new development

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 overall allocations or assignments due to changes in
 - Goals, treatment technologies, or site-specific standard
 - Revised nutrient reduction targets
 - Acquisition of point or nonpoint load allocations

Concerns with DWR's Draft WW Rule

- The purpose of the WW Rule should be to meet the standard, not the referenced nutrient load reductions
- Unless allocations are revised later, the rules limit WW capacity to current permitted capacity (28.5 MGD)
 - Discharge cap is 160,000 pounds of nitrogen per year (lb-N/yr) which is not achievable at permitted flow
 - Purchasing offset credits capped at 100,000 lb-N/yr at a cost of ~\$50 million (just to use your full permitted capacity)
 - No additional discharge or offset credits allowed
 - Requires phosphorus reductions of 63% estimated to cost ~\$500,000 per year to achieve
- Plants exceeding discharge allocations, even if short-term, would have to permanently offset the overage

Concerns with DWR's Draft WW Rule

- 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 impact 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.
- The offset credit provisions need to be evaluated carefully.

Concerns with DWR's Draft WW Rule

- Statutes require that costs and economic impacts be considered when adopting rules
- 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
- The costs of WWTP upgrades fall on rate payers
 - Limited number of accounts
 - Not recipients of the water supply benefits
 - Service areas include census tracts with more than 24% of households below the poverty line

Presentations to EMC WQC May 13, 2026

- The Executive Director [presented](#) the challenges with wastewater rule
- DWR also [presented](#) their recommendations for the wastewater rule.
- The Executive Director will summarize the EMC WQC discussion during the meeting.

UNRBA Recommendations

UNRBA's Proposed Rules

- Continue to manage nutrients in the watershed and work toward achieving the standard
- Invest in watershed health and provide multi-benefits
- Wastewater treatment plants (WWTPs)
 - Continue treating at limits of technology (5-stage biological nutrient removal, BNR)
 - Be allowed to use their permitted capacity – modeling shows insignificant changes in water quality even at 100% permitted capacity
- New development – continue implementing nutrient controls
- Existing development – continue investment in watershed health

Executive Director Team's Recommendation

- Concerns noted in DWR's draft should be addressed and revised before DWR moves the rules to the EMC.
- The PFC discussed this at the May meeting and agreed that significant revision to DWR's rules is needed.
- The PFC agreed that any final draft rules for EMC consideration must include an appropriate wastewater rule.
- DWR staff indicated their commitment to continue working with the UNRBA on refinements to the rules.

The Executive Director will seek feedback from the Board members.

Status of IAIA Extension and Reminder for Year-End Reports

Status of IAIA Extension

- Leadership from DWR has confirmed with their lawyers and the Chair and Executive Director of the 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 and DWR's approval is sufficient
- This item was included in the May EMC meeting as an information item (Forrest will summarize)
- The Executive Director has requested a letter from the DWR Director to formalize the approval

NC Division of Water Resources (DWR)

NC Environmental Management Commission (EMC)

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 30th
- The PFC discussed the process for providing these annual reports to DWR with a copy to Forrest and Alix to compile the UNRBA Annual Summary Report
- The UNRBA Annual Summary Report 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
- The spreadsheet-based reporting template is available under the “IAIA” heading on the UNRBA website Resource Library: <https://unrba.org/resource-library>.

FY2027 Budget and Contract Process

FY2027 Budget and Contract Process

- At the March meeting, the Board approved the budget for FY2027 and sources of funding proposed by the PFC
- The PFC reviewed the scope of work at their May meeting
- The Executive Director is working with the contractors to develop draft contracts and scopes of work for review by the PFC at their June meeting
 - Brown and Caldwell (BC) for the Modeling and Regulatory Support and Communications Support Project
 - WSP (Dr. Martin Lebo)
 - Jones & Company for financial services (bought and transferred ownership of current firm [WWCEJ & Company]; staff working for UNRBA will remain engaged through the new firm)
- The Executive Director Services contract will also be updated consistent with previous Board approvals
- Following review by PFC, contracts and scopes of work will be finalized for approval by the Board at the June meeting

FY2027 Budget by Task for BC and Subcontractors

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	
Total	\$ 305,000	\$ 30,000	\$ 335,000	

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.

Continued Rule Development for Jordan Lake and High Rock Lake Watersheds

Continued Rule Development for Jordan Lake and High Rock Lake Watersheds

- 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

Communications Support

Communications Outreach and Preparation to Support Rule Readoption

- Reviewing existing information for jurisdictional use in developing presentations and handouts (see next slides)
 - [Infographic](#)
 - [Fact Facts](#)
 - Presentation materials as requested to address meeting topic
 - Jurisdictions can identify additional meetings or materials when support from the UNRBA team is needed
- Members can join DWR's [list serve for Falls Lake](#)
- Continue to coordinate with DWR
- Additional opportunities for public input during the formal EMC process
- The “open” nature of all UNRBA meetings remains a key component of a transparent communications approach.
- Please speak up about ideas and opportunities to communicate our work and the importance of our recommendations on revised rules and a site-specific standard.

Additional Information and Activities

- Status updates to the EMC
- Planning workshop for members on rule implementation and best practices
- Planning a meeting with staff from the NC Office of State Budget Management
- Meeting with EPA

Ongoing Discussions/Issues

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 UNRBA PFC Meeting

June 2, 2026

**In Person (Butner Town Hall) or Virtual
9:30 AM to Noon**

Next UNRBA Board Meeting

June 17, 2026

**Butner Town Hall
9:30 AM to Noon**