

Path Forward Committee (PFC) Meeting Agenda

October 1, 2024, 9:30 AM

Butner Town Hall, Camp Butner Room

Note: This is an in-person meeting. A remote option is provided on the last page of this agenda for those who cannot attend in person.

Materials related to the PFC Meeting will be placed on the UNRBA website unless noted otherwise: [UNRBA Meetings Page](#).

I. Opening Comments, Agenda Review/Revisions — Co-Chairs Michelle Woolfolk and Terry Hackett

II. Falls Lake Rules Readoption Process (This item will be the focus of most of the meeting)

Item Summary (Forrest Westall): Per [NC Session Law 2018-5](#), the Falls Lake Rules Readoption process was triggered by the NC Collaboratory report submittal in December 2023 and the UNRBA submittals of the [UNRBA Concepts and Principles for the Reexamination](#) and [Consensus Principles II](#). These UNRBA documents were sent to DWR and the EMC on November 22, 2023. It is important to maintain momentum using the data and information developed by the UNRBA and the Collaboratory while it is still relatively new. The UNRBA seeks to remain engaged on every aspect of this process and how other actions or proposals may negatively impact our efforts to achieve a balanced and productive set of new rules. The following activities are ongoing:

- The UNRBA will continue to pursue a legislative change to [§ 77-141](#) that would explicitly support the concept of a watershed organization like the UNRBA developing and implementing a water quality protection plan under [§ 143-214.14](#). Both the PFC and Board have previously reviewed this proposed change. Staff from DWR and American Rivers have indicated support for this specific change. The proposal did not make it into a short session bill, but we hope to see it included in future legislative sessions, perhaps as early as November. The Executive Director and support team met with representatives from the Home Builders Association on September 24th to discuss this legislative change and how it would benefit both the local governments and the developers.
- The Executive Director and support team continue to promote the position that it is important to maintain the momentum on the rules readoption process. To continue moving forward, we have begun drafting a very preliminary set of proposed revisions to the rules to support the Rules Readoption process based on the UNRBA recommendations (using the two documents listed above). For the revised rules on existing land use in the watershed, we anticipate a similar approach to how the IAIA is structured in the Model Program as being currently implemented.
- The UNRBA Board Executive Committed and Legal Group (including legal advisors) discussed a strategy for moving this process forward. This strategy included submission of a letter signed by the UNRBA Chair addressed to DEQ leadership to stress the importance of working collaboratively and efficiently on the rules readoption process.
- DWR has developed a schedule and list of milestones and actions for rules readoption with input from the Executive Director and support team. We will summarize the proposed process for discussion and input from the PFC:

- Help establish and coordinate workgroups for different sections of the rules. Importantly, these workgroups need to include the work and input from the Collaboratory's report. These workgroups will review very preliminary drafts of the revised rules and help refine the language to ensure rules are feasible, cost effective, and fair. The UNRBA and DWR will work to expand the list of stakeholders so that each workgroup includes representatives from those that will be directly impacted by the rules. UNRBA members and current, active stakeholders will also be invited to participate. The workgroups will also be asked to compile and provide data and studies to support the fiscal analysis. Compiling this data prior to finalizing the rule language will help streamline the schedule. The UNRBA has compiled some data, but not all data was received, and additional data may be now available. [Today, we would like to identify volunteers for each workgroup \(existing lands \(existing development, agriculture, forestry, state and federal regulated entities, etc.\); wastewater \(major and minor facilities\); new development; and the purpose and need section. We will also identify other contacts to include during the meeting and discuss a potential plan for conducting workgroup meetings during the November and December PFC meetings.](#)
- Host a joint forum on November 20, 2024, targeted to elected officials and other stakeholders in the watershed. The first 45 minutes will be used for presentations by UNRBA and DWR. The UNRBA will summarize the recommendations for revised rules based on the reexamination. DWR will describe the rules readoption process and anticipated schedule. The last 45 minutes will be used to answer questions from the audience. [The PFC is encouraged to participate and be prepared to answer questions that may arise during the question-and-answer session, during breaks, or after the forum once participants have had some time to digest the material.](#)
- In January 2025, following the workgroup process, DWR and UNRBA will refine and compile the sections of the rules to address workgroup comments in preparation for distribution as draft to a larger stakeholder list. This list will include contacts compiled by DWR and UNRBA over the years as well as additional contacts identified during the workgroup process. We aim to have a kickoff meeting with stakeholders in February 2025 to discuss previous work (reexamination, workgroups, etc.), the status of the rules readoption process, and their role in refining the rule language. Stakeholders will review and provide comment on the draft in March 2025. DWR and UNRBA will review the comments and provide a 2nd draft for stakeholder review in May 2025 followed by a stakeholder meeting in June to discuss the revisions and provide additional comments. DWR and UNRBA will refine and finalize rule language by August 2025.
- Once rule language is finalized in August 2025, the formal fiscal analysis will begin and a kickoff meeting with the Office of State Budget and Management (OSBM) will occur. From September to November 2025, the fiscal analysis will be developed, and a draft Regulatory Impact Analysis (RIA) will be submitted to the OSBM. A follow up meeting with OSBM will occur during this time, and OSBM will review the draft RIA in December 2025. In January 2026, the RIA will be updated based on comments from OSBM and resubmitted. We anticipate final approval of the RIA in February 2026 when materials will be developed for review by the Environmental Management Commission (EMC) Water Quality Committee (WQC).

- The draft rules and approved RIA will be discussed by the WQC during their March 2026 meeting. In April, the package will be submitted to the full EMC for discussion at the May 2026 meeting. Once approved by the EMC, the draft rules go to public comment and hearing. We anticipate a 60-day public comment period and comments summarized by August. The Hearing Officers would deliberate from September to November and issue the Hearing Officer Report and Final Rule to the EMC by December 2026.
- Assuming the EMC presents the Hearing Officer Report and Final Rule at the January 2027 meeting, the package would go to the Rules Review Commission in February 2027. We anticipate if this schedule holds to have an effective rule date in March 2027.

III. Modeling and Regulatory Support Status

Item Summary (Alix Matos): The UNRBA submitted the final watershed modeling report and watershed modeling files to DWR and the EMC in December 2023. The Executive Director requested a formal statement from DWR as specified in Section (5)(f)(iii) of the [Falls Lake Rules](#) which require that “the Division shall assure that the supplemental modeling is conducted in accordance with the quality assurance requirements of the Division.” The UNRBA submitted and the Division approved the [UNRBA Modeling Quality Assurance Project Plan](#), and this document represents “the quality assurance requirements of the Division.” On July 31, 2024, Karen Higgins provided an email confirmation that the watershed modeling report met the provisions of the QAPP. In early August, the Executive Director requested a formal response to be issued by the Director.

The UNRBA also submitted lake modeling files for two of three lake models (WARMF and EFDC) and a draft lake modeling report including model specific appendices. The PFC and DWR provided comments on the report and Appendices A (EFDC) and B (WARMF). The modeling team has drafted responses to these comments and revised the report and these two appendices. Findings from the statistical model were reviewed at the August PFC meeting and have been summarized in the main lake report in redline. The Executive Director and PFC Co Chairs reviewed the responses and edits. A redline version of these three files was provided to the PFC, subject matter experts, and DWR for review.

Appendix C for the statistical model is also being drafted and will soon be reviewed by the Executive Director and PFC Co Chairs. We greatly appreciate that the NC Collaboratory is providing additional funding to Dr. Nathan Hall to review the statistical model and provide input on some of the ecological processes in Falls Lake.

After review by the PFC and DWR, the main lake report and these appendices will be finalized and submitted to DWR for review and approval under Falls Lake Rule 15A NCAC 02B .0275.

The EFDC model simulations for key parameters have been converted into videos for the May to October 2016 period. Examples of these videos were shown during the August PFC meeting. Updated videos were developed in response to PFC comments. The PFC reviewed and approved the [updated videos](#) during the September meeting. The PFC discussed posting the videos to You Tube and the UNRBA website. In order to post to You Tube, either the UNRBA will need to create a Google/You Tube account or one of our members could post to their You Tube channel. There is no cost to create a Google/You Tube account. [The PFC will discuss these options.](#)

IV. Concerns with Development and Opportunity to Collaborate with Stakeholders

Item Summary (Forrest Westall): At the September PFC and Board meetings, Forrest, Ryan Eaves, and Terry Hackett described the challenges associated with development and turbidity levels in streams in the Falls Lake watershed, particularly those in the Triassic Basin. The PFC and Board discussed a potential collaboration with stakeholders to further pursue the soil improvement practice for compliance with new development nutrient requirements and to help stabilize soils and reduce turbidity. The Board agreed that the UNRBA should pursue expansion of this practice and seek other organizations to collaborate and support these efforts. Forrest has emailed DWR and will follow up with a request for a meeting. Organizations wishing to support this effort should email [Forrest](#) and [Alix](#).

V. Annual IAIA Reports

Item Summary (Alix Matos): The third-year of the Stage I Existing Development Interim Alternative Implementation Approach ended June 30th. Annual reports from each participant were due to [John Huisman](#) at the Division of Water Resources (DWR) with a copy to the [Executive Director](#) and [Alix Matos](#) by September 30, 2024. The link to the template is [here](#). The annual summary report will be drafted for PFC review at the November PFC meeting or by email if the PFC meeting is used for workgroup activities (discussed in item II). The Compliance Group Committee will review and approve the annual summary report for submittal to DWR at their November 20th meeting (during an abbreviated UNRBA Board meeting to be held after the forum).

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

Item Summary (Forrest Westall): We continue to monitor DWR's draft proposal for changes to new development requirements (post-construction stormwater controls) for the High Rock Lake Watershed and the rules readoption process for the Jordan Lake Watershed. We are concerned that these processes will impact the Falls Lake rules readoption process, both in timing and in "setting" an approach for nutrient management that could be inconsistent with the recommendations of the UNRBA. Based on the preliminary proposal on post construction stormwater requirements we have discussed previously, we remain concerned that seeking more aggressive development controls for the Falls Watershed will put at risk existing and future management efforts required under the Falls Lake Rules. The UNRBA seeks to ensure that productive programs continue in Falls and are not inadvertently put at risk by seeking new and potentially more restrictive requirements for new development.

VII. Evaluation of a Specific Falls Lake 303(d) Assessment Methodology and Site-Specific Chlorophyll-a Criteria

Item Summary (Forrest Westall): The UNRBA continues to focus on our primary priority: coordination with DWR and stakeholders in the development of a revised management strategy through the rules review process. Noting that two additional goals remain under consideration: modifications of the 303(d)-water quality assessment method for chlorophyll-a in Falls Lake, and the development of a proposed site-specific chlorophyll-a criteria. As approved by the Board in June, Dr. Marty Lebo was provided with a new contract to continue this work, and he is coordinating his efforts with the statistical modeling effort. Nathan Hall is also an important contributor to these discussions and evaluations.

VIII. Communications Support

Item Summary (Forrest Westall): The work with DWR on the revised Falls Lake Rules continues and will become even more important in FY2025. We still seek to 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:

- Planning a forum (discussed in item II) for elected officials on the morning of November 20th (8:30 am to 10:30 am at the City of Durham meeting facility) to summarize the rules readoption process; a shortened regular UNRBA Board meeting would follow at the same location (10:45 am to noon).
- Coordinating with American Rivers on a series of videos related to their 2023 designation of the Neuse River as “River of the Year” and how the work being done in the upper part of the basin helped contribute to that designation.

As continually noted, (and this is important!), the “open” nature of all UNRBA meetings remains a key component of our transparent communications approach. We always encourage member representatives and interested individuals to speak up about issues related to the Association’s work and to provide ideas and identify opportunities to better communicate our work, increase input on the UNRBA’s recommendations for a revised strategy and water quality assessment of Falls Lake.

IX. Other Status Items

Item Summary (Forrest Westall): Brief statements on ongoing activities:

- DWR Neuse Watershed Model/Delivery Factors for WWTP - John Huisman indicated at the September PFC meeting that the model results will be reported out soon with stakeholder input to follow
- NC State University UNRBA and Jordan Lake One Water research study
- Impacts of PFAS/PFOS on treatment costs and local governments

X. Closing Comments— Co-Chairs Michelle Woolfolk and Terry Hackett

**Forum: November 20, 2024, 8:30 AM to 10:30 AM at
City of Durham Department of Water Management
1600 Mist Lake Drive, Durham, NC**

Next BOD Meeting: November 20, 2024, 10:45 AM to Noon following the forum

Next PFC Meeting: November 5, 2024, 9:30 AM to Noon

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



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Phone only	(888) 404-2493 Passcode: 371 817 961#	Dial the toll-free number and enter the passcode. Please mute your phone unless you want to provide input.

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