

Path Forward Committee Meeting October 1, 2024



Agenda

- Opening Comments, Agenda Review/Revisions
- Falls Lake Rules Readoption Process
- Modeling and Regulatory Support Status
- Concerns with Development and Opportunity to Collaborate with Stakeholders
- Annual IAIA Reports
- Continued Rule Development for Jordan Lake and High Rock Lake Watersheds
- Evaluation of a Specific Falls Lake 303(d) Assessment Methodology and Site-Specific Chlorophyll-a Standard
- Communications Support
- Other Status Items
- Closing Comments

Opening Comments, Agenda Review/Revisions

Falls Lake Rules Readoption Process

Status of Falls Lake Rules Readoption

- The UNRBA submitted the [UNRBA Concepts and Principles for the Reexamination](#) and [Consensus Principles II](#) in November 2023.
- The NC Collaboratory submitted their final report in December 2023
- These submittals trigger the initiation of the Falls Lake Rules Readoption Process per [Session Law 2018-5](#).
- UNRBA will continue to pursue a legislative change to [§ 77-141](#)
 - Explicitly support the concept of a watershed organization like the UNRBA developing and implementing a water quality protection plan under [§ 143-214.14](#).
 - Met with representatives of the Home Builders Association on September 24th to discuss the need and potential benefits to developers

Status items continued on next slide

Status of Falls Lake Rules Readoption

- The Executive Director and support team have begun drafting a very preliminary set of proposed revisions to the Rules to support the Rules Readoption process based on the UNRBA recommendations
- UNRBA Board Executive Committed and Legal Group (including legal advisors) discussed a strategy for moving this process forward including 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. [See later slides for discussion and input from the PFC](#)

Planning for November 20th Forum

- Targeted to elected officials
- Location: City of Durham, Department of Water Management, 1600 Mist Lake Drive, Durham, NC
- Topics
 - Overview of scientific studies
 - UNRBA recommendations for revised rules
 - Collaboration with stakeholders
 - Process moving forward/working with DWR
- Tentative agenda
 - 8:30 AM – 9:00 AM: check in, coffee, pastries
 - 9:00 AM – 9:45 AM: presentation
 - 9:45 AM – 10:30 AM: question and answer session
 - 10:30 AM - 10:45 AM: break
 - 10:45 AM – 12:00 PM: UNRBA Board/CGC regular meeting
(CGC = Compliance Group Committee)

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.

Workgroups to Develop Preliminary Language

October 2024 to January 2025

- **October 2024** - Very preliminary draft rule language distributed to workgroups for review/ edits/comments submitted by email
- **November and December 2024** - Input compiled and discussed at a workgroup meeting (maybe during PFC meeting times)
- Draft refined and redistributed with additional review and input by email
- **January 2025** - DWR and UNRBA refine the language and compile a draft for distribution to a larger stakeholder group
- Workgroups will also be asked to provide data and information to support the fiscal analysis and to identify participants for the larger stakeholder process
- We anticipate a workgroup for each of the four rule sections:

Wastewater	New Development
Existing Lands	Purpose and Scope

PFC discuss proposed workgroup process, form workgroups and suggest contacts for participants directly impacted by the rules

Larger Stakeholder Group to Refine Draft Rules

February to August 2025

- DWR, UNRBA, and workgroup participants compile contacts for larger stakeholder group
- **February and March 2025**
 - Kickoff meeting during PFC meeting time
 - Explain work to date and stakeholder process
 - Schedule to review and refine the rule language
 - Request supplemental data and information for the fiscal analysis
 - Draft rule language distributed to larger stakeholder group after meeting for review and edits/comments by email
- **April and May 2025** - input compiled, draft revised, distributed to stakeholders
- **June 2025** - 2nd stakeholder meeting to discuss revisions
- **July 2025** - Stakeholders to provide final edits/comments
- **August 2025** - DWR and UNRBA finalize rule language

PFC discuss proposed stakeholder review process.

Fiscal Analysis and Regulatory Impact Analysis

August 2025 to January 2026

- This step occurs after rules are finalized
- **August 2025** - kickoff meeting with the Office of State Budget and Management (OSBM)
- **September to November 2025**
 - Fiscal analysis developed
 - Draft Regulatory Impact Analysis (RIA) submitted to OSBM
- **December 2025** - follow up meeting with OSBM, and OSBM will review the draft RIA
- **January 2026** - RIA will be updated based on comments from OSBM and resubmitted.
- **February 2026** - anticipate final approval of the RIA when materials will be developed for review by the Environmental Management Commission (EMC) Water Quality Committee (WQC).

PFC discuss proposed process for fiscal analysis and RIA.

Review by EMC and Rules Review Commission (RRC) March 2026 to March 2027

- **March 2026** - Draft rules and approved RIA discussed by the EMC WQC
- **April 2026** - package submitted to the full EMC
- **May 2026** - EMC discussion
- **June and July 2026** - Once approved by the EMC, the draft rules go through a 60-day public comment period and public hearing
- **August 2026** - Comments summarized
- **September to November 2026** - Hearing Officers deliberate
- **December 2026** - Issuance of Hearing Officer Report and Final Rule to the EMC
- **January 2027** - EMC presents the Hearing Officer Report and Final Rule
- **February 2027** - package goes to the RRC
- **March 2027** - Anticipated effective rule date

[PFC discuss process for EMC and RRC review and approval](#)

Modeling and Regulatory Support Status

Watershed Model Report

- 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 has requested a formal response from the Director.

Lake Model Report and Modeling Files

- The UNRBA also submitted lake modeling files for two of three lake models (WARMF and EFDC) and a draft lake modeling report.
- The modeling team has received comments on the draft report from PFC members and DWR and is responding accordingly
 - Points of clarification
 - Requests for summaries of various aspects of modeling (uncertainties, applications, etc.)
- The third lake model (statistical/Bayesian) has recently been completed and results were shared with the PFC during the August meeting.
- Additional information about the statistical model has been incorporated in the redline version of the report.
- The redline report has been provided to the PFC and DWR following review by the Executive Director and PFC Co Chairs.
- The UNRBA will submit a final lake report and appendices to DWR for review and approval under Falls Lake Rule 15A NCAC 02B .0275

EFDC Lake Simulation Videos

- EFDC model simulations for key parameters have been converted into videos for the May to October 2016 period
- Examples were shown during the August PFC meeting, revised based on PFC input, and approved at the September PFC 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.**

Concerns with Development and Opportunity to Collaborate with Stakeholders

Concerns with Development and Opportunity to Collaborate

- At the September PFC and Board meetings, Forrest, Ryan, 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.
- Other organizations wishing to support this effort should email Forrest and Alix.

Annual IAIA Reports

Annual IAIA Reports

- The third-year of the Stage I Existing Development Interim Alternative Implementation Approach (IAIA) 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 latest version of the template is available [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
- The Compliance Group Committee will review and approve the annual summary report for submittal to DWR at their November 20th meeting (during the an abbreviated UNRBA Board meeting to be held after the forum).

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 changes to post-construction stormwater rules for the High Rock Lake Watershed
 - Rules readoption process for Jordan Lake Watershed
- We are concerned that these processes will impact
 - The Falls Lake rules readoption process and timeline
 - Could be inconsistent with the UNRBA's recommendations
- We also are concerned that seeking more aggressive development controls for the Falls Watershed will put at risk existing and future management efforts required under the Falls Rules.
- The UNRBA seeks to ensure that productive programs continue in the Falls watershed and are not inadvertently put at risk by seeking new and potentially more restrictive requirements for new development.

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

Evaluation of Falls Lake Specific Assessment Methodology and Site-Specific Chlorophyll-a Criteria

- 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
 - 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.

Communications Support

Communications Support

- The UNRBA continues to coordinate with DWR
 - Rules readoption process
 - Potential modifications to the water quality assessment methods
 - Development of a site-specific chlorophyll-a criteria for Falls Lake
- The work with DWR will intensify greatly following submittal of the UNRBA's and NC Collaboratory's recommendations in December 2023.
- 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

Additional Information and Activities

- Planning a forum 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 on a series of videos related to their 2023 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

Coordination with Stakeholders

- The UNRBA will continue to identify opportunities to work with other stakeholders as we move through rules readoption.
- The “open” nature of all UNRBA meetings remains a key component of our 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.

Other Status Items

Other Status Items

- 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

Future Meetings Currently Scheduled:

**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**

Closing Comments

Additional Discussion