

Path Forward Committee Meeting November 5, 2024



Agenda

- Opening Comments, Agenda Review/Revisions
- Falls Lake Rules Readoption Process – Focus on Workgroup Process
- Budget
- 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 – PFC Co-Chairs have reviewed
- 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 – previously distributed to 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.

Workgroup Process Planning Meeting with DWR

- Meeting held October 11th with PFC Co-Chairs (Michelle Woolfolk, Terry Hackett), DWR Planning staff (John Huisman, Rich Gannon), Forrest Westall, Alix Matos to discuss:
- When to provide very preliminary draft edits and collected comments regarding rule language
- Providing the workgroup members something to review before the meeting to facilitate progress while also ensuring they feel their input will be considered early in the drafting process
- How to address more contentious rule sections
 - New Development (UNRBA/DWR not on same page)
 - Purpose and Scope (very little specific discussion so far)
- Acknowledgement that DWR and UNRBA are in basic alignment on existing lands (including agriculture) and WWTP rules
 - Other workgroup members may not be on the same page
 - Or may not be up to speed on past discussions
- Decided to bring a plan to the PFC today for consideration and input

Rule Development Process

Workgroups

- Discuss concepts
- Develop initial drafts
- Collect fiscal data

PFC, Board, and Expanded Stakeholders

- Kickoff meeting
- Review initial drafts
- Compile input
- Refine drafts for UNRBA Board approval/recommendation

Formal Process

- Present to WQC
- Present to EMC
- Public comment period
- Public hearings
- Rules to RRC with fiscal analysis

EMC: Environmental Management Commission

WQC: EMC Water Quality Committee

RRC: Rules Review Commission

Proposed Workgroup Process

- PFC Co-Chairs to be copied on all meetings/emails/materials
- Forrest, John, Alix to participate in all workgroups
- Targeting ~7 members per group (not counting Forrest, John, and Alix)
- Meetings in December, January, and February – would like to discuss using **December 3rd PFC** meeting day for initial meetings
 - Two 90-minute meetings before lunch
 - Two 90-minute meetings after lunch
- Forrest and Alix to provide status updates at PFC meetings
- UNRBA to provide a compilation of past discussion notes and UNRBA-proposed rule revisions before the first meeting **for discussion purposes only**
- Following workgroup process, vetted draft rules would be provided to the PFC, Board, and larger stakeholder group
- **Additional review and input will be essential**

PFC discuss using Dec. 3rd for workgroup meetings (no PFC meeting). PFC discuss distributing very preliminary draft rule revisions to workgroups prior to their 1st meeting.

Proposed Materials and Topics for 1st Meeting

- Identify big picture questions (e.g., rule organization)
- Summarize UNRBA recommendations for revised rules based on documents submitted to EMC, DWR, and General Assembly
- Discuss compiled comments and UNRBA proposed rule revisions based on the submitted documents
 - Identify areas of agreement among workgroup members
 - Identify sections where we are not yet in alignment
- Discuss plan for moving forward on these sections
 - What additional information is needed?
 - Who will provide it and how?
- Discuss the need for available data and information to support the fiscal analysis (later in the process, but need to start compiling data)
- Request additional contacts for the larger stakeholder process

Existing Lands Workgroup (may require subgroups for some topics)

DOT: Andy McDaniel, Brian Lipscomb

Farm Bureau: Anne Coan, Keith Larrick

NCDA&CS: Allie Dinwiddie

Durham County S&WCD: David Harris

Piedmont Conservation Council: Grace Messinger

American Rivers: Donna Myers

UNRBA Members: Sandi Wilbur, Nancy Daly, Ryan Eaves, Raven McLaurin

Wastewater Workgroup (operators of major and minor facilities)

City of Durham: Reggie Hicks

Town of Hillsborough: Jeff Mahagan

SGWASA: Scott Schroyer

Representatives of minor facilities: *(owner/operator information is not typically shared by DEQ, John Huisman has emailed the contacts to invite them to participate and to copy Forrest and Alix on their response)*

New Development Workgroup

UNRBA Members: Jenn Tavantzis, Ed Buchan, McKenzie Bradshaw, Ryan Eaves, Barry Baker, Heather Fisher, Akin Akinola

Representatives of developers/HBAs: Chris Millis, NC HBA (Forrest has emailed representatives for local HBAs and developers to invite their participation as well)

Representative of NC DEMLR: tbd

Purpose and Scope Workgroup

UNRBA Members: Ed Buchan, Katie Cromwell, Michelle Woolfolk, Terry Hackett, Anna Smith

American Rivers: Donna Myers

WSP: Marty Lebo

NC Collaboratory: Nathan Hall

PFC Discussion of the Workgroup Role in the Rule Development Process

FY2026 Budget Discussion

Proposed Tasks for the FY2026 MRS&C Project

- Planning for future monitoring
- Data analysis to address stakeholder questions and statistical modeling to evaluate designated uses and develop a Falls Lake 303(d) assessment process
- Status updates and routine meetings
- Support implementation of current rules (IAIA, new development rules implementation, nutrient credits)
- Support rules readoption process and Falls Lake specific 303(d) assessment methodology
- Preliminary Evaluation of a Potential Site-Specific Chlorophyll-a Standard
- Fiscal analysis of proposed rule changes and support DWR's formal fiscal analysis
- Communications support

Recommended Budget Expenditures for FY2026

Expenditures	Budget
Executive Director Services, Travel, and Other Support	\$232,850
Financial Support Services	\$24,000
Modeling and Regulatory Support	\$445,450
Dr. Marty Lebo	\$25,000
Communications Support	\$60,000
Legal Support	\$100,000
Administrative Costs	\$12,200*
Total	\$899,500

*Administrative costs include 990 tax return preparation, general liability and officer and director's insurance, basic website support and hosting, enhancements/updates to the website as needed, lobbyist registration fees, and other expenses. An audit was conducted in FY25 and will not be required again until FY28 per the UNRBA Bylaws.

Membership Fees Since FY2013

Fiscal Year	Budget
2013	\$259,381.00
2014	\$643,500.01
2015	\$811,999.98
2016	\$826,299.94
2017	\$978,800.02
2018	\$1,025,599.95
2019	\$1,136,265.01
2020	\$1,144,999.97
2021	\$1,152,850.05
2022	\$1,165,517.07
2023	\$1,192,892.05
2024	\$1,204,940.00
2025	\$966,700.00
2026 (recommended)	\$899,500.00

PFC Discussion on Budget for FY26

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 and Appendix C have been provided to the PFC and DWR for final review](#)
- 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 suggested to place this before the Board at their November meeting.

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 has been drafted for PFC review
- 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

IAIA FY2023-2024 Funds Allocated and Cumulative Rollover

Participant	Annual Minimum Requirement	FY2023-2024 Funds Allocated	Cumulative Rollover to Next FY
City of Creedmoor	\$16,926	\$16,926	\$0
City of Durham	\$337,587	\$1,371,018	\$3,069,349
City of Raleigh	\$466,081	\$1,199,400	\$2,286,642
Durham County	\$133,300	\$828,327	\$622,890
Franklin County	\$19,058	\$19,058	\$0
Granville County	\$100,453	\$100,453	\$0
Orange County	\$161,943	\$307,488	\$174,075
Person County	\$114,394	\$150,733	\$36,339
Town of Butner	\$23,393	\$23,393	\$0
Town of Hillsborough	\$34,221	\$35,864	\$33,802
Town of Stem	\$11,605	\$11,605	\$0
Town of Wake Forest	\$13,692	\$13,692	\$0
Wake County	\$88,968	\$608,450	\$2,450,849
Total	\$1,521,621	\$4,686,407	\$8,673,944

Cumulative rollover accounts for all years of IAIA program accounting.

IAIA Summary by Project Type (FY2023 to 2024)

Project Type	Total funds allocated (cash and in-kind)	Number of Projects
Project planning and administrative costs	\$ 613,692	2
Floodplain restoration and reconnection	\$ 25,353	1
Green infrastructure / best management practices (BMPs)	\$ 1,162,378	6
Hydrilla removal and control	\$ 15,033	3
Illicit discharge detection and elimination	\$ 99,963	1
Infrastructure Improvements	\$ 152,377	4
Land conservation	\$ 1,708,085	5
Programmatic measures	\$ 170,602	4
Stormwater control measures (SCMs)	\$ 717,981	8
Stream and riparian buffer restoration and enhancement	\$ 20,943	2
Total	\$ 4,686,407	36

Continued Rule Development for Jordan Lake and High Rock Lake Watersheds

Continued Rule Development for Jordan Lake and High Rock Lake Watersheds

- 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
- Concerned that these processes will impact
 - The Falls Lake rules readoption process and timeline
 - Could be inconsistent with the UNRBA's recommendations
- 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.
- Seek to ensure that productive programs continue in the Falls watershed and are not inadvertently put at risk
- This will be an important discussion topic for the New Development Workgroup.

**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: December 3, 2024
9:30 AM to Noon
Butner Town Hall**

Closing Comments

Additional Discussion