

A Resolution of the Board of the Upper Neuse River Basin Association (UNRBA)

WHEREAS, the UNRBA was formed to carry out the purposes stated in N.C. Gen. Stat. § 77-120(c) in the Falls Lake watershed; and

WHEREAS, the UNRBA membership includes seven municipalities, six counties, and a water and sewer authority; and

WHEREAS, the UNRBA provides a cooperative forum on the issues of water quality and water management in the area upstream and draining to Falls Lake, and

WHEREAS, the UNRBA is deeply involved in efforts to evaluate the effectiveness of the State's Falls Lake Nutrient Management Strategy; and

WHEREAS, the State has adopted the Falls Lake Rules as the primary mechanism of the Falls Lake Nutrient Management Strategy; and

WHEREAS, the Falls Lake Rules address several sources of nutrients within the Falls watershed that must be managed under the provisions of those Rules, including point source discharges of wastewater; and

WHEREAS, the NC Division of Water Quality(DWQ) within the Department of Environment and Natural Resources administers by delegation from the US EPA the Federal National Pollutant Discharge Elimination System (NPDES) Permitting under the Clean Water Act for the management of point source wastewater discharges; and

WHEREAS, the DWQ's NPDES program includes a provision for the discharge of treated wastewater from small domestic wastewater systems less than 1,000 gpd under a General Permit;

WHEREAS, the General Permit for this class of discharges was recently renewed; and

WHEREAS, the City of Raleigh filed a contested case challenging DWQ's reissuance of the General Permit; and

WHEREAS, the Administrative Law Judge for this case issued a consent order on September 10, 2012 that imposes restrictions on new applications for coverage under the General Permit, and stays Raleigh's contested case action until August 1, 2013; and

WHEREAS, the Board of the UNRBA understands that this Stay was issued in part to provide the parties with the opportunity to resolve the issues in dispute;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE UNRBA, THAT:

- 1) The Association concludes that the reissuance of the General Permit should take into consideration the requirements of the Falls Lake Rules.

- 2) The Association supports the prudent, fair, and equitable consideration of all nutrient sources within the watershed, including those sources managed under the NPDES General Permit for small domestic wastewater sources.
- 3) The Board encourages the NC DWQ to meet and work cooperatively with the City of Creedmoor, the City of Durham, the City of Raleigh, Durham County, Franklin County, Granville County, Orange County, Person County, South Granville Water and Sewer Authority, the Town of Butner, the Town of Hillsborough, the Town of Stem, the Town of Wake Forest, Wake County, the UNRBA, and other interested and affected parties to establish an NPDES permitting process for small domestic wastewater sources consistent with the Falls Lake Rules, and a process that provides an effective, reasonable and just framework to address the application of this permit to all new and existing sources that may fall under this permit now and in the future.
- 4) The Board further encourages the NC DWQ to work with the interested parties within the watershed to establish an accurate accounting of the nutrient contribution to Falls Lake from small domestic wastewater management systems (including on-site systems) in the watershed, and to develop an acceptable nutrient credit value for these systems for use within the Nutrient Management Strategy for the Lake.
- 5) The Board also offers its participation in efforts undertaken by the State to achieve satisfactory resolution of this issue and to develop a regulatory approach that is sensitive to all facets of the small domestic wastewater source category of nutrients.

Ms. Pam Hemminger, Chair

Upper Neuse River Basin Association