

**Path Forward Committee (PFC) Meeting Agenda**  
January 2, 2024, 9:30 AM to 12:00 PM  
**Virtual Meeting**

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. **DWR Proposed Changes to New Development Rules for the High Rock Lake Watershed**  
Item Summary (Forrest Westall): At the December 1, 2023, meeting of the Nutrient Scientific Advisory Board (NSAB), the Division of Water Resources (DWR) provided a status update regarding a draft proposal for changes to new development rules for the High Rock Lake Watershed. Stakeholders in the High Rock Lake watershed have not yet come to consensus on this proposal. One of the new components in the proposal would require some volume reduction depending on the intensity of the development. The Executive Director distributed the draft proposal to the PFC on December 8, 2023. [The UNRBA should review and provide comments on the proposal as changes in the High Rock Lake watershed may influence the Falls Lake Rules readoption process.](#)
- III. **Inquiries and Issues Regarding Nutrient Credits** Item Summary (Forrest Westall): **Conventional Failing Onsite Wastewater Systems**--Staff from the Southeast Rural Community Assistance Project, Inc. ([SERCAP](#)) reached out to the Executive Director regarding availability of nutrient credits for repair or remedy of conventional, failing onsite wastewater treatment systems. While a State-approved credit for discharging sand filters (DSF) does exist, nutrient credits for addressing conventional systems does not. Investments credits are available under the Stage I Existing Development Interim Alternative Implementation Approach (IAIA). Wake County has participated in projects with SERCAP to invest in these types of projects. There is interest moving forward to continue work on the nutrient crediting for this practice as implementation shifts from IAIA to revised rules which may include additional metrics. **Credit for New Development using Soil Improvement**—As noted in the item above, during the December NSAB meeting, DWR's draft proposal includes volume reduction requirements for some new developments (depending on the percentage of built upon area). Staff from the NC Division of Energy, Mineral, and Land Resources (DEMLR), which regulates credits for new development projects, also participated in the NSAB meeting. UNRBA staff inquired again about application of the soil improvement practice to new development projects. While soil improvement receives nutrient credits for existing development projects, the State had indicated that a trial period for existing development was needed before approval for new development. This practice was approved for existing development in 2017 and is also a new-development practice in Virginia, Maryland, and Pennsylvania. DWR staff indicated that discussions about this practice with stakeholders had identified some challenges to implementation. Following the NSAB meeting, DWR staff provided a list of questions to the UNRBA. UNRBA staff and Town of Hillsborough stormwater staff provided responses to the questions on December 15, 2023. The UNRBA will schedule a follow-up meeting to discuss approval for new development which is when the practice is most effective.
- IV. **NC Collaboratory Releases Final Research Reports for Falls Lake**
- V. Item Summary (Forrest Westall): The NC Collaboratory released the final research reports for Falls Lake in December 2023. In addition to finalization of interim reports, several new reports are available on

streambank erosion, community engagement, policy implications, and model reviews. These reports are available online at <https://nutrients.web.unc.edu/resources/>. The NC Collaboratory also released their annual summary report of activities which the Executive Director distributed to the PFC and Board. The NC Collaboratory recommendations related to the revised Falls Lake Nutrient Management Strategy were submitted December 20, 2023. This report has not been fully evaluated, but a copy of the report is attached. We will likely discuss the report at the February PFC meeting and invite the Collaboratory to provide a brief overview. **Modeling and Regulatory Support Status**

Item Summary (Alix Matos): At their December 5, 2023, meeting, the PFC approved the final revisions to the Watershed Analysis Risk Management Framework (WARMF) watershed modeling report and submittal of the final report to the DWR. The report and provides documentation that the development of the WARMF Watershed Model followed the [UNRBA Modeling Quality Assurance Project Plan \(QAPP\)](#) approved by DWR for this modeling effort. The report supports the review and approval by DWR of the model development under Falls Lake Rule 15A NCAC 02B .0275. The watershed modeling report and appendices were submitted to DWR and the Environmental Management Commission (EMC) on December 20, 2023. WARMF watershed and lake modeling files and model executable were provided to the agency in May 2023. EFDC lake modeling files and model executable were provided to the agency on December 19, 2023.

The lake model report addresses all three UNRBA lake models as well as lake model sensitivity and scenario evaluations. Technical details are described in model-specific appendices. In mid-October, the main lake report and EFDC model appendix were distributed to the PFC, Modeling and Regulatory Support Workgroup (MRSW), DWR, and subject matter experts/third-party model reviewers for review and comment. The WARMF Lake appendix and literature review conducted by NC Collaboratory researchers on nutrient releases from the lake sediments of eutrophic lakes was distributed on December 8, 2023 for review and comment. Comments on these files are requested by January 23, 2024. The UNRBA will submit the lake report and appendices to DWR for review and approval under Falls Lake Rule 15A NCAC 02B .0275 following this initial review process.

The statistical model appendix is under development; model input for the statistical model is summarized in the main lake report. Segment boundaries for the statistical model have been revised to align with available data and analysis by Marty Lebo. The PFC discussed this change at their November 2023 meeting. The revised draft of the main lake report will summarize the lake data using the revised segments. We are targeting March to finalize the lake modeling report pending completion of the statistical modeling.

## VI. **Updating the UNRBA Technical Website**

Item Summary (Forrest Westall): The UNRBA has been setting aside funding to update the Association's technical website where data, documents, and meeting history are provided. The website is being updated to Drupal version 10. The technical website and public facing website will be merged during this process. The Executive Director and support staff are working on a preliminary layout for the website to provide to the contractor. At their November meeting, the Board authorized the Chair to sign a contract to begin this work for an amount up to \$20,000. At their September meeting, the Board authorized the use of up to \$10,000 from contingency to increase the contract to \$30,000 if necessary. The UNRBA monitoring database will be available online using simple file access with no data base sign-in or data analysis capabilities. The PFC membership was provided a link to older content currently available on the site. We

would like feedback on the PFC's view of removing or updating this information. In general, we would appreciate input on the website as a whole. Please provide comments to us on any changes or suggestions that you have about the site and how we can improve it.

**VII. Budget Considerations for FY2025**

Item Summary (Forrest Westall): The UNRBA is moving into support of the rules readoption process. This will change the focus of the organization but will require significant effort and technical support throughout the process. The UNRBA will need to forge a strong relationship between DWR, EMC, and the General Assembly to support an effective readoption process. Working closely with DWR, the UNRBA should strongly engage on redrafting of the rules and provide technical support and public input to stakeholders and DWR. We hope this process will go smoothly, but it is already clear that the UNRBA will need to work diligently to keep Consensus Principles II and the technical data analysis and modeling before the agencies and the stakeholders. The recommendations developed lay out a path that is unique for Falls Lake and a departure from previous nutrient management efforts. This new approach will need significant support to develop rules that make sense and are effective in maintaining uses in Falls Lake. The UNRBA will remain committed to working through this with DWR and the staff responsible for developing revised rules. In addition, the UNRBA will proceed with working on getting a specific 303(d) assessment methodology for Falls Lake and for continuing the development of a site-specific chlorophyll-a standard. At their November meeting, the Board indicated that it made sense to maintain the current funding level to support the rules readoption process. The Executive Director and consultant team are working on a draft budget and planned scope of work for review and approval by the PFC at the February meeting. The budget will need to include:

- UNRBA Management and Administration
- Continue to support implementation of current rules during the rules readoption process
  - Support development of nutrient crediting or alternative metrics for eligible projects and activities on existing and new development
  - Continue administration and technical support of IAIA program
  - Coordinate joint consultation among UNRBA members to assess and document consistent application of new development requirements
- Support development of draft rule changes
  - Modeling support and data analysis to address specific questions that are likely to occur during rule development and negotiation as well assessment and criteria development
  - Provide technical responses to issues raised by stakeholders about specific rule proposals
  - Assist DWR in the coordination of working groups, drafting and compiling proposed language, and facilitating discussions
  - Coordinate legislative engagement in the rule development process
  - Draft modifications to UNRBA Bylaws to align with the structure of the revised rules
- Strategy support in developing alternatives for legislative action needed to go with the new rules
- Preliminary reporting template for the 5-yr and 25-yr status reports discussed in the UNRBA recommendations and Consensus Principles II
- Support development of Falls Lake assessment methodology and site-specific chlorophyll-a criteria
  - Support for the development of a revised 303(d) methodology for Falls Lake
  - Development of a site-specific chlorophyll-a standard for Falls Lake

- Planning and presentation support for needed meetings with DWR and stakeholders on the site-specific proposals prior to submittal and after
- Communication support
  - Respond to questions from stakeholders and media
  - Develop materials to support communication to elected officials, legislators, general public, technical staff, and stakeholders
  - Host workshops for UNRBA members, stakeholders, and NC Collaboratory researchers to discuss proposed rule language, discuss site-specific proposals, etc.
  - Present to annual conferences, Environmental Management Commission meetings, NSAB meetings, etc.
- Provide fiscal evaluation of proposed rule changes and prepare for coordination with DWR on the State's fiscal analysis
- Preliminary planning for UNRBA monitoring program design

#### VIII. **Board Changes and Appointments to the Board**

Item Summary (Forrest Westall): At their November meeting, the Board appointed the Nominating Committee and authorized them to make recommendations for Board officers. Officer recommendations from the Nominating Committee will be made at the January Board meeting. [Each UNRBA member needs to appoint their Board member and two Alternatives. The Executive Director requests appointments and email addresses be provided to him no later than January 9, 2024, so the January Board meeting materials can be distributed one week prior to the meeting on January 17, 2024.](#)

#### IX. **Personnel Committee**

Item Summary (Forrest Westall): The Personnel Committee met on December 13, 2023, to review the Executive Director services. The Board members and PFC members were invited to provide comments to the committee and to participate remotely in the meeting. The committee will present its findings to the Board at their January 17, 2024, meeting.

#### X. **Submittal of Recommendations for a Revised Nutrient Management Strategy and Developing a Petition for a Site-Specific Chlorophyll-a Water Quality Standard and Falls Lake Assessment Methodology**

Item Summary (Forrest Westall): The UNRBA Board of Directors approved the [UNRBA Concepts and Principles for the Reexamination](#) and [Consensus Principles II](#) at the September 20, 2023, meeting. All local governments and the utility have unanimously approved and signed resolutions to approve Consensus Principles II at the local level. On November 22, 2023, the UNRBA submitted both of these documents to DWR and the Environmental Management Commission (EMC). On November 27, 2023, the American Rivers Southeast Regional Director submitted a letter of support for the UNRBA recommendations. The next phase of work is the readoption of the Falls Lake Rules. The UNRBA will continue to identify opportunities to work with other stakeholders as we begin coordinating, collaborating, and supporting DWR in the rules review process.

The UNRBA continues to develop information to support a petition for a site-specific chlorophyll-a standard for Falls Lake and is working with Dr. Marty Lebo to integrate his results into the site-specific standard evaluation, statistical modeling, and regulatory support efforts. We are also using this information and other information to develop a specific Falls Lake 303(d) methodology with the current standard.

#### XI. **Communications Support**

Item Summary (Forrest Westall): The UNRBA continues to coordinate with DWR on preparations for the rules review process, potential modifications to the water quality assessment methods, and 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. Additional meetings to gather input from NC Collaboratory staff, researchers, and representatives of NGOs are being planned. Jurisdictions should identify additional meetings where support from the UNRBA team is needed.

Additional information and activities:

- Responded to questions about development in Durham from a student at the UNC-Chapel Hill Hussman School of Journalism and Media; planning a follow-up call to discuss
- Planning for a joint stakeholder workshop with DWR and UNRBA on the rules readoption process
- Planning for meetings/workshop with UNRBA and NC Collaboratory regarding the recommendations for a revised nutrient management strategy
- Planning for a Falls Lake session at the Water Resources Research Institute Annual Conference March 20 and 21, 2024
- A public-facing, two-page summary was developed and distributed to expand outreach and invite additional feedback on the final Concepts and Principles document.
- A question-and-answer style document was developed and distributed to respond to questions from Preserve Rural Durham regarding developments near Falls Lake and their impacts on lake water quality
- American Rivers is still planning a "Neuse River of the Year" event for the upper part of the basin.

The "open" nature of all UNRBA meetings remains a key component of a 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.

**XII. PFC Meeting Schedule for 2024**

Item Summary (Forrest Westall): At their November meeting, the Board approved the meeting schedule for 2024. The PFC will review the meeting schedule. Considerations for the next couple of months will also be discussed.

**XIII. Other Status Items**

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

- DWR Neuse Watershed Model Information Session / Delivery Factors for WWTP, etc.—stakeholder meeting December 5<sup>th</sup>; water quality calibration underway

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

**Next BOD Meeting: January 17, 2024, 9:30 AM to Noon**

**Next PFC Meeting: February 6, 2024, 9:30 AM to Noon**

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

## Remote Access Instructions for PFC Meetings

Equipment Type	Access Information	Notes
Computers with microphones and speakers	<a href="#">Join Microsoft Teams Meeting</a> <b>Please mute your microphone unless you want to provide input.</b>	Press control and click on this link to bring up Microsoft Teams through the internet. You can view the screen share and communicate through your computer’s speakers and microphone.
Computers without audio capabilities, or audio that is not working	<a href="#">Join Microsoft Teams Meeting</a> (888) 404-2493 Passcode: 371 817 961# <b>Please mute your phone unless you want to provide input.</b>	Follow instructions above. <b>Turn down your computer speakers, mute your computer microphone</b> , dial the number through your phone and enter the passcode.
Phone only	(888) 404-2493 Passcode: 371 817 961#	Dial the toll-free number and enter the passcode. <b>Please mute your phone unless you want to provide input.</b>

### Remote Access Guidelines

- If you dial in through your phone, mute your microphone, and turn down your speakers to avoid feedback.
- Unless you are speaking, please mute your computer/device microphone or phone microphone to minimize background noise.