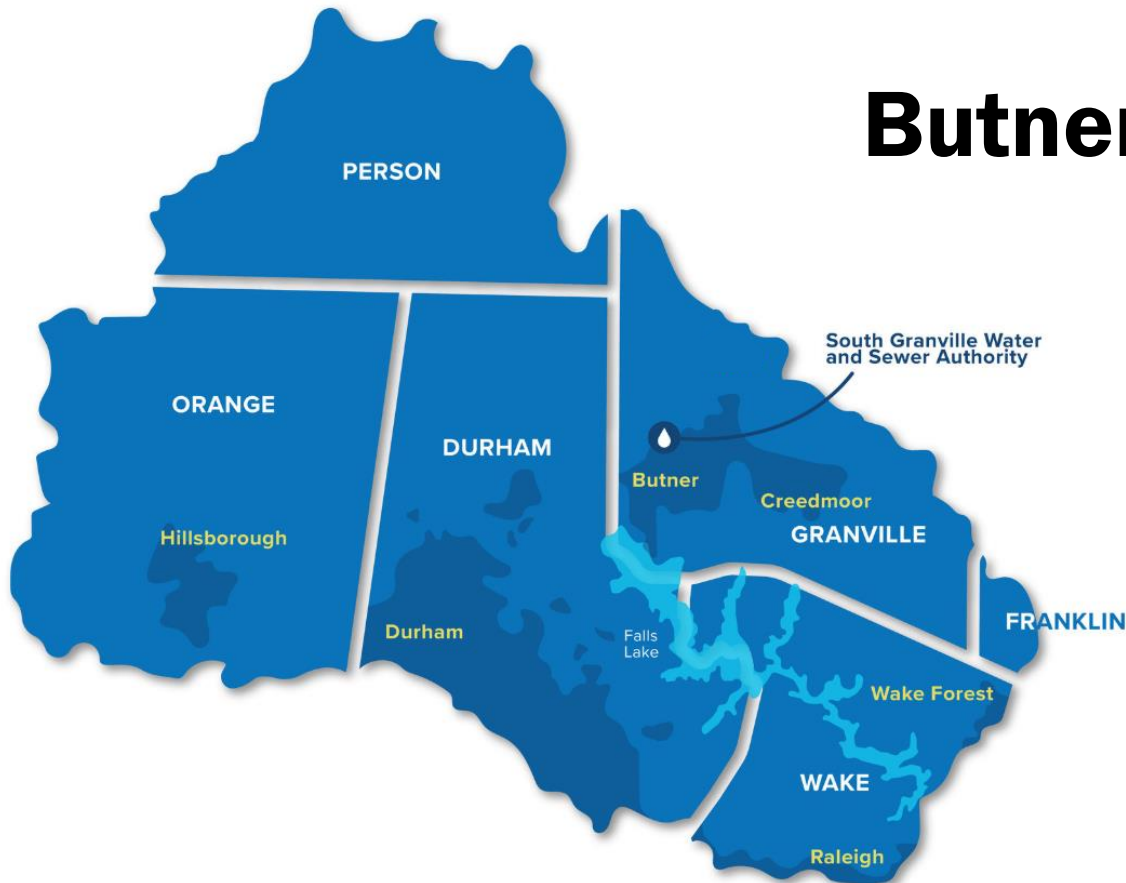




UNRBA Board Meeting January 17, 2024

Butner Town Hall



January 17, 2023, UNRBA Board Agenda

- **Opening—Sig Hutchinson, Chair**
- **Action Items**
 - Approval of November 15, 2023, Meeting Minutes
 - Approval of the Treasurer's Report
 - Officer Elections for 2024
 - Personnel Committee Report
- **Status Reports and Informational Items**
 - Background for New Members
 - NC Collaboratory Releases Final Reports for Falls Lake
 - DWR Proposed Changes to New Development Rules for the High Rock Lake Watershed
 - Inquiries and Issues Regarding Nutrient Credits
 - Modeling and Regulatory Support (MRS) Status
 - Updating the UNRBA Technical Website
 - Budget Considerations for FY2025
 - Submittal of Recommendations for a Revised Nutrient Management Strategy and Petition for a Site-Specific Chlorophyll-a Water Quality Standard and Falls Lake Assessment Methodology
 - Communications
 - Ongoing Discussions/Issues
- **Closing Comments**

Opening—Sig Hutchinson

Opening

- Introductions, Board member changes, and announcements
- Roll call for quorum
- Identification of any conflicts
- Review and approval of agenda

Action Items of UNRBA Board of Directors

**Approval of November 15, 2023
Meeting Minutes**

Approval of the Treasurer's Report

1/9/2024

Balance Forward: (per bank statement - 10/31/2023)	Checking	\$	486,732.90
	Savings		1,200,338.15
Debits:			
McGill Asso. (2023 Invs)		\$	50,407.40
JMW Bookkeeping			650.00
Brown & Caldwell (MRS, FY 23 &24, 2023 Invs)			147,074.98
Barnes & Thornburg			405.00
WSP, Inc. (Invs, 2023)			796.00
MFG Consulting, LLC (2023 Invs)			901.99
			<hr/>
		\$	200,235.37
Credits:			
Interest (checking)		\$	97.53
Interest (savings)			6,033.00
Transfer from Savings Acc't to Checking Acc't			-
			<hr/>
Account Balance (per bank statement - 12/31/2023)	Checking	\$	286,595.06
	Savings		1,206,371.15
			<hr/>
Total UNRBA Account Balances:		\$	1,492,966.21
			<hr/>
Outstanding invoices/deposits in process since the close of bank statement (12/31/2023):			
Debits:			
McGill Asso. (2023 Inv)		\$	-
MFG Consulting, LLC (2023 Inv)			210.00
Brown & Caldwell (October, FY 2024)			51,128.47
Credits:			
Transfer from Savings to Checking		\$	-
			<hr/>
Current Account Balances:	Checking	\$	235,256.59
	Savings		1,206,371.15
			<hr/>
Total UNRBA Account Balance :		\$	1,441,627.74
			<hr/>

Officer Elections for 2024

- The Nominating Committee, appointed at the November 15, 2023, Board meeting, includes
 - Sig Hutchinson
 - Carolyn Bachl
 - Terry Hackett
- The Nominating Committee will provide recommendations for the officers of the UNRBA for 2024

Board of Directors elect officers during the January 2024 Board Meeting as required in the UNRBA Bylaws.

Personnel Committee Findings and Recommendations

- The Personnel Committee met December 13, 2023, and reviewed the work of the UNRBA during 2023 and the support provided under the Executive Director Services Contract.
- The Committee will summarize their report and make recommendations to the Board on behalf of the members of the Committee.
- The Board will consider approval of the Personnel Committee recommendations.

Recommended Revisions to the Executive Director Contract—Beginning July 1, 2024

- Adjust the hourly rate of the Executive Director consistent with the Contract provisions for adjustment—from \$120/hour to \$125/hour
- The Committee unanimously recommends the contract be modified in accordance with these requests for FY 2025, and that the compensation portion of the contract, Paragraph 3, be revised beginning July 1, 2024, as shown **on the following slide**
- This adjustment represents a 4.1% increase in the hourly rate (contract allows a 5% increase per year in hourly rate).

Recommended Payment Section of the Executive Director Contract—Beginning July 1, 2024

3. PAYMENT. Contractor’s annual budget for completing the Work for each fiscal year, beginning with fiscal year 2025 (July 1, 2024 through June 30, 2025) shall be \$243,390.00 unless modified as set out herein. Contractor’s general budget for the Work shall be as follows:

Executive Director compensation (hourly, \$125/hour)	\$198,750.00
Travel and other reimbursable support costs	\$ 20,000.00
Other support services	\$ 24,640.00

Contractor is allowed to shift funding within the budgeted items listed above, with the understanding that the total fiscal year billings cannot exceed \$243,390.00.

Board Consideration of the Personnel Committee Report

- The Board will consider a recommendation for approval of the Personnel Committee report.
- The decision will be reflected in the contract renewal in June of this year.

Status Reports and Informational Items

Background for New Board Members

Background and History of the Rules

- The UNRBA was formed in 1996 to promote water quality protection in the basin.
- The [Falls Lake Nutrient Management Strategy](#) (aka the Falls Lake Rules) was passed in 2010 by the State.
 - The nutrient management strategy specified two stages of nitrogen and phosphorus reductions to the lake.
 - The State developed watershed and lake models to determine the required amount of nutrient reductions.
- Based on the state's [Fiscal Analysis](#) of the Rules, the strategy was estimated to cost over \$1.5 billion.

Goal of the Rules

- The goal of the Falls Lake Rules was to meet the chlorophyll-a standard of 40 micrograms per liter.
- Chlorophyll-a is a green pigment used by plants and algae for photosynthesis.
- It is an indicator for algae in water but does not correlate to designated uses like fishing, swimming, and water supply.
- While algae forms the base of the food chain, excessive amounts can cause water quality issues.

Chlorophyll-a Standard

- The State set the [chlorophyll-a standard](#) in the 1970s under its delegated authority under [Section 303\(d\)](#) of the [Federal Clean Water Act](#).
- Authorized states and tribes can establish their own water quality standards and assessment methodologies.
- Waters that do not meet a standard are placed on the 303(d) list.
- The state or tribe must develop a plan to remove the waterbody from the 303(d) list.
- The NC chlorophyll-a standard applies to all locations in all waterbodies at all times unless a site-specific standard is developed and approved by the State.

New Development and Sediment/Erosion Control Rules

- The Falls Lake Rules also require implementation of stormwater projects so new development does not increase nutrient loading to Falls Lake.
- The New Development Rules have been implemented by every local government since mid-2012.
- New development projects must use a State-developed tool called the [Stormwater Nitrogen and Phosphorus \(SNAP\) tool](#) to ensure the stormwater projects meet the requirements of the New Development Rules.
- Local governments in the Falls Lake Watershed manage the New Development programs with oversight from the NC Division of Water Resources (DWR).
- Construction activities are governed by [State Sediment and Erosion Control Rules](#).

Successes and Challenges for Stage I Reductions

- After the Strategy was passed, the UNRBA focused on supporting its members with implementing Stage I existing development requirements and reexamining Stage II.
- While agriculture and wastewater treatment plants were able to meet their Stage I reduction requirements, the existing development requirements were difficult to quantify.
- Reduction credits for State-approved practices were relatively low and difficult to retrofit on existing development.
- In 2013, the UNRBA began its [Nutrient Credit Project](#) to expand the types of projects with State-approved nutrient reduction credits. This project added practices and sizing variants to provide more flexibility to local governments.
- However, the local governments and DWR were not able to agree on the amount of nutrient reduction required for Stage I.

New Approach Suggested by Environmental Groups

- Wastewater treatment plants in the watershed had reduced their nutrient loads by much more than required under Stage I and many times more than the potential range of existing development requirements.
- Staff from local environmental advocacy and land conservation groups recommended a new approach for Stage I compliance that would focus on project implementation rather than counting pounds of nutrients.
- This innovative program would be voluntary and use investment to track compliance.
- DWR and UNRBA agreed this would be a helpful approach and a good pilot for the reexamination.

Development of the IAIA Program

- Over the next three years, the UNRBA led the development of the a program called the [Stage I Existing Development Interim Alternative Implementation Approach \(IAIA\)](#).
- All UNRBA members voluntarily joined the Compliance Group Committee (CGC) which was formed under amended [UNRBA Bylaws](#) to implement the program.
- The IAIA is in the third year of implementation.
- Members are required to collectively invest at least \$1.5 million per year.
- [In each of the first two years of the program, members doubled to tripled the required investment. \(second annual report\)](#)

Reexamination of Stage II Reductions

- The Falls Lake Rules included an adaptive management provision that allowed for reexamination of Stage II if an interested party conducted at least three years of water quality monitoring and developed revised watershed and lake models.
- This allowance for a reexamination was based on the Consensus Principles developed by the UNRBA members.
- The members had agreed to implement Stage I, but that a reexamination of the Stage II requirements was needed. The technical work of the reexamination was led by the UNRBA Path Forward Committee (PFC) and several workgroups like the Modeling and Regulatory Support Workgroup (MRSW).

Planning for the Re-examination (2011 to 2014)

- Planning for the reexamination began in 2011 and included several planning-level documents
 - [Communications Plan](#)
 - [Decision Framework](#)
 - [Description of the Modeling Framework](#)
 - Quality assurance project plans (QAPPs) to ensure best practices. These documents were approved by DWR as required.
 - [Monitoring](#)
 - [Modeling](#)

Completion of Monitoring and Modeling Studies (2014 to present)

- Monitoring included monthly monitoring at [38 locations](#) in the watershed as well as special studies designed to help build the lake models.
- The [Final UNRBA Monitoring Report](#) provides a comprehensive summary of the data and studies.
- Modeling included a watershed model and three lake models.
 - The UNRBA selected two models that DWR had used to establish the nutrient reduction requirements
 - The Watershed Analysis Risk Management Framework ([WARMF](#)) for the watershed modeling and one lake model.
 - The Environmental Fluid Dynamics Code ([EFDC](#)) was developed as a more complex lake model.
 - There is also a data-driven, statistical model to understand how water quality impacts designated uses in Falls Lake. This model will also inform development of a site-specific chlorophyll-a standard for Falls Lake.

Development of UNRBA Recommendations for Revised Strategy and Rules (2022 to 2023)

- The UNRBA applied information from the monitoring and modeling to develop its recommendations for a revised Nutrient Management Strategy and revised Falls Lake Rules.
- The [UNRBA Concepts and Principles for a Revised Nutrient Management Strategy](#) summarizes key findings from the reexamination activities and recommends an investment-based, watershed health approach for long-term protection of Falls Lake.
- The recommendations were condensed into a two-page set of revised consensus principles. [Consensus Principles II](#) was approved unanimously by every UNRBA member and the Association.

Submittal of Recommendations

- On November 22, 2023, the UNRBA submitted both of its documents to DWR and the Environmental Management Commission (EMC)
- On November 27, 2023, the Southeast Regional Director submitted a letter of support for the UNRBA recommendations.
- The NC Collaboratory also submitted its recommendations to DWR, the EMC, and the General Assembly in December 2023. The [NC Collaboratory](#) was formed in 2016 by the NC Legislature to study nutrient management issues in NC in general and for Falls and Jordan Lakes specifically.
- Submittal of recommendations by the UNRBA and NC Collaboratory initiates the rule making process conducted by DWR. [While this process is managed and carried out by the agency, the UNRBA is fully committed to remaining an active participant as described in the following items.](#)

NC Collaboratory Releases Final Research Reports and Recommendations for Falls Lake

NC Collaboratory Releases Final Research Reports and Recommendations for Falls Lake

- The NC Collaboratory released the final research reports for Falls Lake in December 2023.
- The NC Collaboratory recommendations for the revised Falls Lake Nutrient Management Strategy were submitted in December 2023 and distributed by the Executive Director to the PFC and Board.
- 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.
- Steve Wall and Dan McLawhorn will provide summaries of the NC Collaboratory work during the meeting



FALLS LAKE STUDY

JANUARY 2024



collaboratory.unc.edu



collaboratory@unc.edu



THE UNIVERSITY
of NORTH CAROLINA
at CHAPEL HILL

ABOUT US

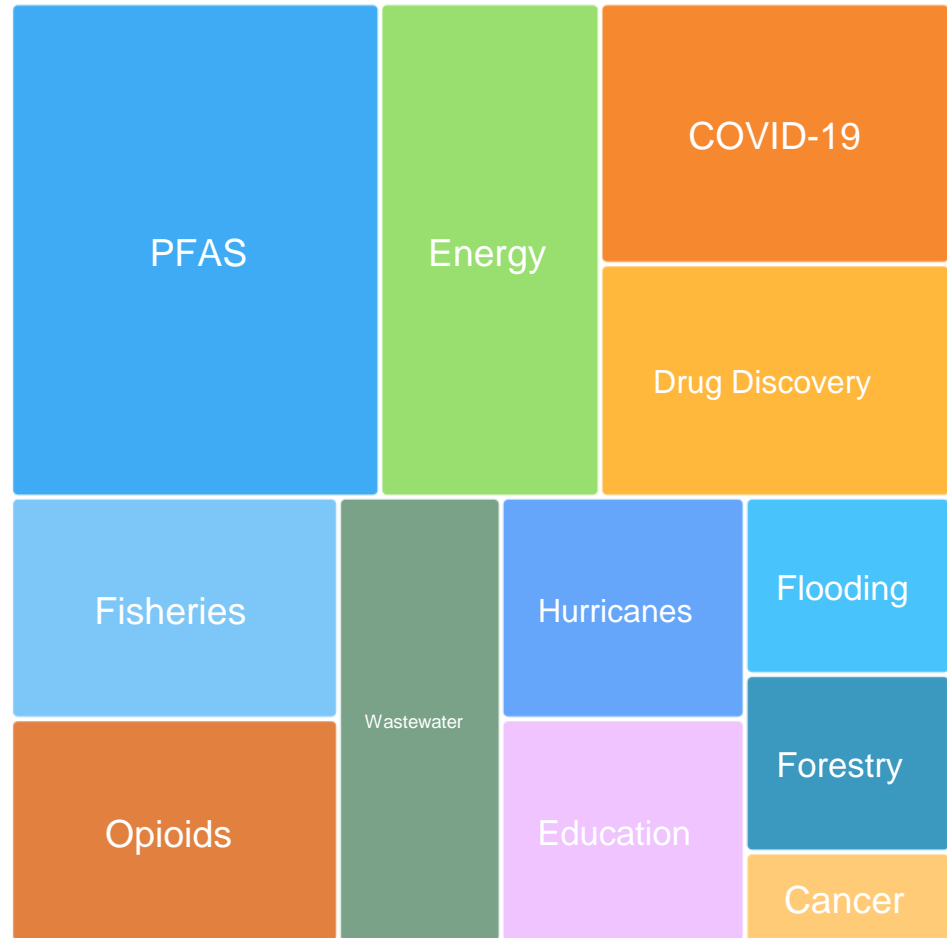
Established in 2016 by the North Carolina General Assembly, the Collaboratory supports cross-sector research partnerships that seek to transform academic research into evidence-based solutions for environmental, health, and societal challenges faced by people in North Carolina.

Codified as Article 31A of NCGS 116-255



RESEARCH PORTFOLIO

Over the years, the Collaboratory has expanded from environmental and natural resources research into a broad variety of topic areas.



STUDY BACKGROUND

- Falls Lake Study was conducted between 2019-2023 with researchers from UNC, NC State, and ECU
- The NC General Assembly provided \$2.25 million over the course of the study
- Study was designed to look at a number of research topics designed to improve water quality in the falls lake watershed.
- Research team worked closely with the Upper Neuse River Basin Association (UNRBA)

RESEARCH TOPICS



PAYING FOR NUTRIENT MANAGEMENT

Research on Falls Lake's current nutrient management funding strategies to make future Falls Lake Rules compliance affordable.

MANAGEMENT IMPLICATIONS

- Implement additional funding mechanisms to finance nutrient management
- Securing long-term, stable funding
- Manage existing and emerging affordability concerns with funding strategies

SCIENTIFIC REVIEW OF WATERSHED AND WATER QUALITY MODELING

Research on the feasibility of improving water quality through watershed nutrient management.

MANAGEMENT IMPLICATIONS

- Consider how atmospheric deposition will respond to changes in local watershed activities
- Adjust watershed model to better anticipate how Falls Lake will respond to changes in nutrient loading over time
- If internal loading is higher than the modeled rates, stakeholders should wait longer than expected before seeing water quality improvements

IN SITU OBSERVATION OF FALLS LAKE: CIRCULATION AND PHYSICAL

Research on primary circulation patterns, physical structures, seasonal variation, and side arm interactions in Falls Lake's main channel.

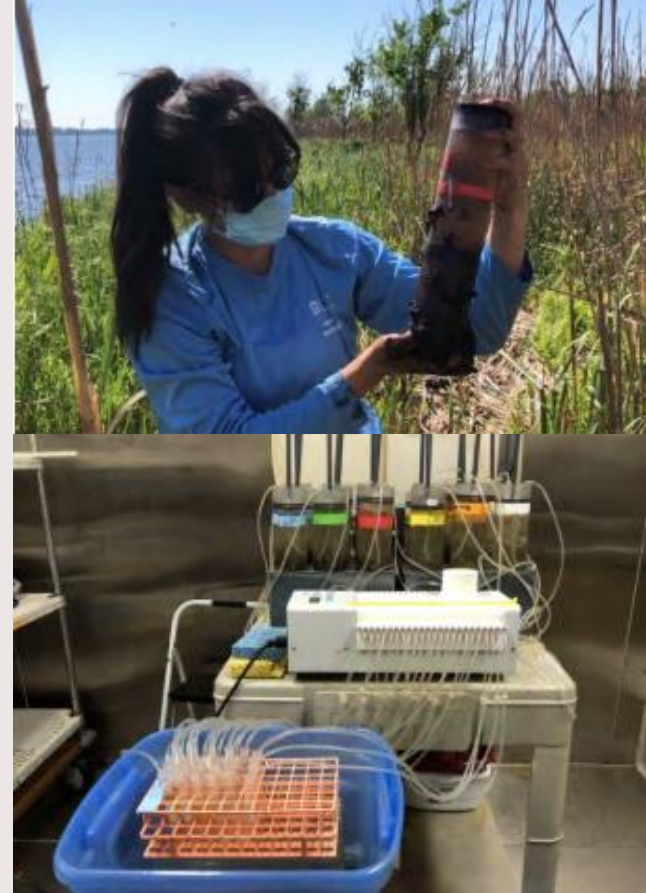
MANAGEMENT IMPLICATIONS

- Attention to water quality during slow flow is warranted.
- Increased understanding of transport in Falls Lake can serve as important validation of water quality monitoring efforts.
- Manage existing and emerging affordability concerns with funding strategies.

NITROGEN PROCESSING IN AN URBAN RESEVOIR

MANAGEMENT IMPLICATIONS

- Exclusion of sedimentary processes results in underestimation of nitrogen inputs in reservoirs
- Policies aimed at reducing anthropogenic nitrogen inputs could mitigate water quality degradation, but will likely not prevent algal blooms.
- Urban reservoir systems' Water quality standards should include excess nitrogen



CYANOTOXIN PRESENCE AND YEAR-ROUND DYNAMICS

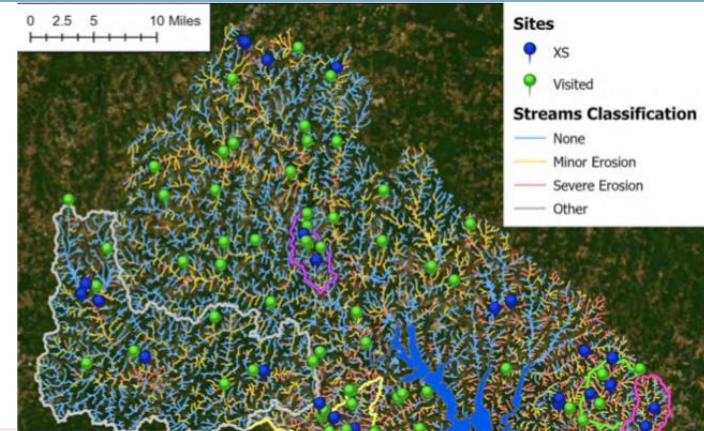
Research into if toxin-producing cyanotoxins are present in Falls Lake during different seasons and their spatiotemporal distribution.

MANAGEMENT IMPLICATIONS

- The eutrophic status of Falls Lake makes it prone to intensification of cyanobacterial harmful algal blooms in response to climate change.
- Further cyanotoxin research is necessary to characterize the conditions that favor toxin production.

ESTIMATING NUTRIENT LOADS FROM STREAMBANK EROSION

Research identifying hotspots for streambank erosion and its contribution to nitrogen and phosphorus entering Falls Lake's watershed.



MANAGEMENT IMPLICATIONS

- The models developed indicate locations where potential stream restoration and enhancement activities could be implemented and areas where higher sediment and nutrient loading were predicted.
- Model could be used to validate predictions and target areas for restoration and stabilization efforts.

LAND CONSERVATION AND WATER QUALITY IN THE FALLS LAKE WATERSHED

Investigating land conservation and its contribution to nutrient load reductions as a facet of watershed management.



STUDY CONCLUSION AND THEMES

- Identify all nutrient sources, set achievable goals for interventions, and incorporate adaptive management strategies.
- Land use decisions are critical, including the use of land conservation as an important tool for nutrient management.
- Create innovative financing solutions and ensure beneficiaries contribute resources to support management actions.



THE UNIVERSITY OF NORTH CAROLINA FALLS LAKE STUDY

Final Report to the North Carolina General Assembly, December 2023



READ THE FULL FALLS
LAKE REPORT AT:

<https://nutrients.web.unc.edu/resources/>

POLICY ISSUES FOR FALLS LAKE PRESENTED TO UNRBA BOARD OF DIRECTORS

Daniel F. McLawhorn

January 17, 2024

FUTURE ROLE OF UNRBA

- Focus of UNRBA for past decade was monitoring and modeling.
- Concluded with reports regarding revisions of the Falls Lake Stage II rules.
- Recommendations for rule revisions are broad and do not address future role of the UNRBA.
- UNRBA unique as a local government voluntary agency undertaking complex nutrient reduction issues.
- EMC statute for addressing water quality impairments includes ability for “delegations to intergovernmental basinwide groups.” N. C. Gen. Stat. § 143B-282(d).

COMPARABLE EXAMPLES

- Level of collaboration typically has been forced by a law suit or regulatory settlement.
- Lessons from Metropolitan North Georgia Water Planning District regional organization and other similar entities can be useful.
- Atlanta had two Consent Settlements dealing with a complex set of water quality issues and remains subject to the second.
- Metro North Ga. Regional was the first regional entity in Georgia to undertake such a complex set of issues. Latest plan issued in 2022.

N.C. GEN. STAT. § 143-214.14

- Authorizes local governments to organize and create a non-profit to undertake larger role in strategy to address complex water quality problems.
- Requires approval by the Environmental Management Commission.
- Statute will be more effective if breath of local responsibilities are expanded.
- Comparable to pretreatment program and line extension delegation programs in current statutes.

POTENTIAL CHANGES

1. Make nonprofit corporation coalitions of local governments subject to the Open Meetings Law and the Public Records Act.
2. Protect coalition members from enforcement if the Water Quality Protection Plan (WQPP) is implemented as provided.
3. Require that permits issued by the Department of Environmental Quality be consistent with the schedule of improvements in an approved WQPP, including as the WQPP is later amended.
4. Require that a WQPP establish the date certain for attainment of designated uses and set forth the actions to be taken in 5-year time blocks until the projected date of attainment, or in the alternative, establish actions to be taken in 5-year time blocks if the projected date of attainment is longer than 20 years after the date the WQPP is submitted to the EMC.

POTENTIAL CHANGES

5. Establish the procedures for adoption of proposed WQPPs and the means for implementation including sanctions if coalition member fails to implement the plan. Provide that coalitions plans are not rules subject to the adoption requirements of the Administrative Procedure Act.
6. Upon removal of a local government from a coalition, provide DEQ permits are amended automatically to enforce requirements otherwise in place for the basin in place of WQPP provisions and bar the local government from access of state grants or loans except for projects designed to bring the political subdivision or local water authority into compliance with the basin requirements.
7. Require that when a WQPP implements a site specific WQS that the methodology for determining attainment of the WQS be consistent with the methodology set forth in the approved WQPP.
8. Authorize local governments to require stormwater controls for the total impervious surface of redevelopment sites, notwithstanding N.C. Gen. Stat. § 143-214.7, to the extent the approved WQPP relies on stormwater reductions from the entire impervious surface of redevelopment sites.
9. Amend N.C. Gen. Stat. § 77-141(c) to add another purpose of proposing and entering into a WQPP pursuant to N.C. Gen. Stat. § 143-214.14 with the EMC.

SHOULD BENEFICIARIES CONTRIBUTE TO THE REMEDIAL COSTS?

- Polluter Pays Principle was an economic policy that moved into legal policy.
- Are basin local governments the polluters in Falls Lake giving rise to the need for remedial measures? If not, should the burden to reduce nutrient loading be shared by the benefitting users of the drinking water?
- More than half the sources of nutrient loading are unregulated lands and sources of nutrients outside the basin.
- Basin local governments have little to no power to force reductions in nutrient loading from existing development, unregulated properties or redevelopment properties.
- The consumers of the drinking water from Falls Lake make no contribution to the cost of nutrient control, but avoid nutrient removal costs for water treatment estimated at more than \$200 million due to nutrient controls.

POWERS TO GENERATE REVENUE

- Taxation power in General Assembly and local governments.
- Environmental Finance Center inventoried possible sources for raising monies to address nutrient excess loading, but each current statute has limitations that would not allow application to water users located in different local governments.
- County statute allows for “assessments” against benefitted properties for watershed improvement projects. N.C. Gen. Stat. § 153A-185.
- This statute represents a departure from Polluter Pays Principle and the principle is not embedded in either the federal or state Clean Water Acts.

TAX ON WATER USERS?

- In May, 2023 draft analysis, DWR proposed continuation of its past practices for “reallocation of forest loading reductions across regulated sources” and making local governments “take on long-term responsibility for making progress on reducing load from existing developed lands.” The current inequitable burdens would be extended.
- A tax on Raleigh water users of 5% would establish a fund to address these inequitable burdens. Based on current revenues, approximately \$5.5 million would be generated per year.
- The legislation can be tailored to fit Falls Lake and similar water supplies with nutrient loading problems.
- The current water users from Falls Lake receive water supply by Raleigh Water and include users in 9 municipalities and 5 counties.

CONCLUSIONS

- UNRBA should seek a coalition agreement with EMC for primary role of implementation of the revised Falls rules.
- Revised Falls rules should include 5-year cycles for planning by the UNRBA for detailed actions with a re-examination every 25 years.
- Requirements to reduce nutrient loading for non-point source should be revised to remove inequities created by loads outside of the regulatory control of local governments.
- Establish a new income stream to address non-point sources of nutrient loading outside the regulatory control UNRBA members, such as a tax applied to the benefitting users of the water supply from Falls Lake.

DWR Proposed Changes to New Development Rules for the High Rock Lake Watershed

DWR Proposed Changes to New Development Rules for the High Rock Lake Watershed

- 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.

Inquiries and Issues Regarding Nutrient Credits

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 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

- UNRBA staff inquired again about application of this practice to new development projects.
- While it receives nutrient credits for existing development projects, the State indicated that a trial period was needed before approval for new development projects.
- This practice was approved for existing development in 2017
- It is approved as a new-development practice in Virginia, Maryland, and Pennsylvania (Chesapeake Bay states)
- DWR staff indicated that discussions about this practice with stakeholders had identified some challenges to implementation and provided a list of questions to consider
- UNRBA staff and Town of Hillsborough stormwater staff provided responses on December 15, 2023.
- UNRBA will schedule a follow-up meeting to discuss approval for new development when the practice is most effective.

Modeling and Regulatory Support Status

Submittal of Modeling Files and Watershed Model Report

- The watershed modeling report and appendices were submitted to DWR and the EMC on December 20, 2023.
 - Provides documentation that the development of the WARMF Watershed Model followed the [UNRBA Modeling Quality Assurance Project Plan \(QAPP\)](#) approved by DWR
 - Supports DWR review and approval of the model development under Falls Lake Rule 15A NCAC 02B .0275.
- 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.

Lake Model Report

- The lake model report addresses all three UNRBA lake models. Technical details are described in model-specific appendices.
- In mid-October, the main lake report and EFDC model appendix were distributed to the PFC, 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.

Statistical Model

- 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 were 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.

Updating the UNRBA Technical Website

Updating the UNRBA Technical Website

- 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.

Budget Considerations for FY2025

Budget Considerations for FY2025

- To support the rules readoption process, the UNRBA will need to provide significant technical support, engagement with DWR, EMC, and the General Assembly, and coordination of public input
- We will need to work diligently to keep Consensus Principles II and the technical data analysis and modeling before the agencies and the stakeholders.
- Proceed with working on 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.
- [Prospective budget items are listed on the following slides](#)

Prospective Budget Items for FY2025

- UNRBA Management and Administration - support to the Executive Director for meetings, minutes and follow-up to all of the meetings/interactions between the Executive Director and the membership
- 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

Prospective Budget Items for FY2025

- 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

Prospective Budget Items for FY2025

- 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

Prospective Budget Items for FY2025

- 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.

**Submittal of Recommendations for a
Revised Falls Lake Nutrient
Management Strategy**

**Petition for a Site-Specific
Chlorophyll-a Water Quality Standard**

Falls Lake Assessment Methodology

Submittal of UNRBA Recommendations

- As noted in the background discussion, the UNRBA submitted the [UNRBA Concepts and Principles for the Reexamination](#) and [Consensus Principles II](#) to DWR and the EMC on November 22, 2023.
- 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.

Schedule for Rules Readoption

- **January to March 2024**
 - UNRBA/DWR meeting to discuss process for rule making and approval of UNRBA products
 - Regulatory Forum to present rule making process to UNRBA members and other stakeholders
 - Meetings with the Chairs of the Environmental Management Commission (EMC) and its Water Quality Committee
 - UNRBA annotate existing rule language to mark for potential changes and review with DWR
- **June to December 2024**
 - DWR to begin rule making and their stakeholder process
- **2026/2027**
 - DWR anticipates rules readoption
 - **We hope to achieve rules readoption earlier**
- The UNRBA will continue to identify opportunities to work with other stakeholders as we begin coordinating, collaborating, and supporting DWR in rules review process
- The UNRBA and members must engage on the readoption process

Coordination on Site-Specific Chlorophyll-a Standard and Falls Lake Assessment Methodology

- We will use materials already developed on the status of chlorophyll-a standards across the country.
- Our consulting attorney, Barnes & Thornburg, will continue to be briefed and consulted.
- The UNRBA continues to work with Dr. Marty Lebo to complete his work and integrate his results into the site-specific standard evaluation, statistical modeling, and regulatory support efforts.
- We are also using this information to develop a specific Falls Lake 303(d) methodology with the current standard.
- The UNRBA will coordinate with DWR, Collaboratory researchers, and other stakeholders throughout this process

Communications

Communications Outreach and Preparation

- Continue to coordinate with DWR on the rules review process, potential modifications to the water quality assessment methods, and development of a site-specific chlorophyll-a standard for Falls Lake.
- 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.
- 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.

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
- Planning for a Falls Lake session at the Water Resources Research Institute Annual Conference March 20/21, 2024
- A public-facing, two-page summary was developed and distributed to expand outreach and invite additional feedback on the UNRBA recommendations.
- 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.

Ongoing Discussions/Issues

Ongoing Discussions/Issues

- Intensive workgroup activity and management of expectations and resources
- Ongoing DEQ/DWR Items—Address in follow-up meetings with DEQ/DWR
 - Neuse Watershed Model / Delivery Factors for WWTPs
 - Jordan Lake and High Rock Lake rules readoption process

Closing Comments

Next UNRBA Board Meeting
March 20, 2024
Butner Town Hall
9:30 AM to Noon