

# Path Forward Committee Meeting Virtual Meeting, January 2, 2024



# Agenda

- Opening Comments, Agenda Review/Revisions
- DWR Proposed Changes to New Development Rules for the High Rock Lake Watershed
- Inquiries and Issues Regarding Nutrient Credits
- Updating the UNRBA Technical Website
- Budget Considerations for FY 2025
- Board Changes
- Personnel Committee
- Modeling and Regulatory Support Status
- Approval 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
- Communications Support
- PFC Meeting Schedule for 2024
- Other Status Items
- Closing

# **Opening Comments, Agenda Review/Revisions**

# **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 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

- 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).
- UNRBA staff inquired again about application of the soil improvement practice to new development projects.
- 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.
- 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.



# **NC Collaboratory Releases Final Research Reports for Falls Lake**

# NC Collaboratory Releases Final Research Reports for Falls Lake

- 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 for the revised Falls Lake Nutrient Management Strategy were released on December 20, 2024. A copy was provided with the agenda for this meeting but has not been reviewed or assessed.
- We will ask for comments from the members and discuss at the February 2024 PFC meeting.

# **Modeling and Regulatory Support Status**

# Submittal of the Watershed Model Report

- 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 DWR and the Environmental Management Commission (EMC).
- 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.
- The report supports the review and approval by DWR and the EMC as described under Falls Lake Rule 15A NCAC 02B .0275.
- The watershed modeling report and appendices were submitted to DWR and the EMC on December 20, 2023, via link to the [UNRBA website](#)
- WARMF watershed and lake modeling files and the model executable were provided to the agency in May 2023.

# Lake Model Report and EFDC Modeling Files

- 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.
- EFDC lake modeling files and model executable were provided to the agency December 19, 2023.

# UNRBA Statistical/Bayesian Modeling

- The statistical model appendix is under development
- Model input 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 discussed by the PFC 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

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- The UNRBA has been setting aside funding to update the Association's technical website where data, documents, and meeting history are provided; the software used to develop the website (Drupal) is being updated to 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.
- 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 and 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.](#)
- The UNRBA monitoring database will be available online using simple file access with no data base sign-in or data analysis capabilities.



# **Budget Considerations for FY2025**

# Budget Considerations for FY2025

- The UNRBA is moving into a period of supporting the use of CPlI in the development of revised Falls Lake Rules. This will require
  - Significant effort and technical support throughout the process
  - A collaborative relationship among UNRBA, DWR, EMC, and the General Assembly
  - Effective and consistent engagement on redrafting the rules
  - Promotion of public input to the process
- 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.
- 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.
- [Draft scope items for FY2025 are listed on the following slides](#)

# Preliminary Scope Items for FY2025

- **UNRBA Management and Administration**
- **Continue to support implementation of current rules during the 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

# Preliminary Scope Items for FY2025, Continued

- 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 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

# Preliminary Scope Items for FY2025, Continued

- **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, 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**

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

# Board Changes

- 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.

# Personnel Committee



# Personnel Committee

- 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.

**Approval 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**

# Submittal of Consensus Principles II and UNRBA Recommendations for Revised Rules

- The UNRBA Board of Directors approved the [UNRBA Concepts and Principles for the Reexamination](#) and [Consensus Principles II](#) (CPII) at the September 20, 2023, meeting.
- All local governments and the utility have unanimously approved and signed resolutions to approve Consensus Principles II.
- At their November meeting, the Board unanimously approved submittal of the signed resolutions, a cover letter, and Consensus Principles II to DWR and the Environmental Management Commission (EMC).
- On November 22, 2023, the UNRBA submitted 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.

# Schedule for Rules Readoption

- The UNRBA will continue to identify opportunities to work with other stakeholders as we begin coordinating, collaborating, and supporting DWR in rules review process
- **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**

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

- The subject matter experts continue to evaluate other State's site-specific standards for chlorophyll-a and nutrient-related standards.
- 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 and other 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 Support

# Communications Support

- The UNRBA continues to coordinate with DWR
  - Preparations for the rules review 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.
- 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

# Responses to Questions about Development

- The UNRBA passed along the response developed for the City of Durham relative to the email to the City Council from Preserve Rural Durham.
- At the request of the Board at their November meeting, the UNRBA developed a question-and-answer style document to respond to recent questions regarding developments near Falls Lake and their impacts on lake water quality.
- In December, the UNRBA responded to questions about these developments and the UNRBA's approach to nutrient management from a journalism student at the UNC-Chapel Hill Hussman School of Journalism and Media; planning a follow-up call to discuss



# Additional Information and Activities

- Planning for a joint stakeholder workshop with DWR and UNRBA on the rules readoption process
- Planning for a joint symposium 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.
- American Rivers is still planning a “Neuse River of the Year” event for the upper part of the basin.

# 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 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.

# **PFC Meeting Schedule for 2024**

# 2024 PFC Meeting Dates

- January 2
- February 6
- March 5
- April 2
- May 7
- June 4
- July 2
- August 6
- September 3
- October 1
- November 5
- December 3

# Other Status Items

# Other Status Items

- DWR Neuse Watershed Model Information Session / Delivery Factors for WWTP, etc.—

## **Future Meetings Currently Scheduled:**

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

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

# Closing Comments

## Additional Discussion