

March 26, 2009

S 1020. UPPER NEUSE RIVER BASIN CLEAN WATER CREDITS. Filed 3/25/2009. *TO PROTECT AND RESTORE WATER QUALITY AND QUANTITY IN THE UPPER NEUSE RIVER BASIN, FALLS LAKE, AND OTHER DRINKING WATER SUPPLY RESERVOIRS BY DIRECTING THE ENVIRONMENTAL MANAGEMENT COMMISSION TO PROVIDE CREDITS TO LOCAL GOVERNMENTS, LANDOWNERS, AND OTHERS WHO REDUCE WATER POLLUTION IN THE UPPER NEUSE RIVER BASIN AFTER JANUARY 1, 2009, AND BEFORE PERMANENT RULES ARE ADOPTED.*

Requires the Environmental Management Commission (Commission) to encourage development, adoption, and implementation of policies and practices to reduce the runoff and discharge of nitrogen, phosphorus, sediment, and other pollutants into the surface water and drinking water reservoirs in the Upper Neuse River Basin before the Commission adopts permanent rules for Upper Falls Lake. Requires the Commission to adopt temporary rules by January 1, 2010, to provide credits to those who implement policies and practices after January 1, 2009, to reduce runoff and discharge of nitrogen, phosphorus, and sediment in the Upper Neuse River Basin. Requires the Commission to provide credits for early adoption of its permanent rules to implement the nutrient management strategy for the Upper Neuse River Basin, and the turbidity strategy for Falls Lake. Local governments that voluntarily adopt stormwater programs on or before January 1, 2010, at least as stringent as the stormwater rules for the Neuse Basin have two additional years to implement any other nutrient or turbidity requirements included in the nutrient and turbidity management strategies adopted by the Commission. Requires the Commission to include its progress in implementing the act in its quarterly report to the Environmental Review Commission.

Intro. by Stein.

UNCODIFIED

May 12, 2009

S 1020. UPPER NEUSE RIVER BASIN CLEAN WATER CREDIT. Filed 3/25/09. Senate committee substitute makes the following changes to 1st edition. Requires the Environmental Management Commission (EMC) to provide credit in its permanent rules to local governments, landowners, and others who implement policies and practices after January 1, 2007, to reduce the runoff off and discharge of nitrogen, phosphorous, and sediment in the Upper Neuse River Basin. Deletes provision requiring the EMC to adopt temporary rules by January 1, 2010, to provide credits for implementing pollution reduction policies and practices after January 1, 2009. Makes conforming change to the title.

August 6, 2009

S 1020. IMPROVE UPPER NEUSE BASIN WATER QUALITY (NEW). Filed 3/25/09. House committee substitute makes the following changes to 2nd edition. Amends Section 3 of SL 2005-190, as amended by Section 31 of SL 2006-259, to extend the deadline to January 15, 2011 (was, July 1, 2009) for the Environmental Management Commission (Commission) to develop nutrient management strategy for drinking water supply reservoirs. Adds that the Commission must consider the effectiveness of measures previously implemented in the watershed, in addition to the cost of proposed measures in relation to their effectiveness, when developing a nutrient management strategy. Also adds that measures may include (1) addressing nutrient inputs from on-site wastewater treatment systems, (2) control of atmospheric deposition, (3) allowing the sale and purchase of nutrient offsets, and (4) allowing trading of nutrient loading allocations and credits for nutrient reductions. Extends the deadline to January 15, 2011 (was, July 1, 2009) for the Commission to adopt permanent rules to implement required nutrient management strategies. Specifies that the rules require a stormwater management program to reduce nutrient loading from new development are to be implemented no later than 30 months after the rules become effective.

Enacts four new subsections to Section 3 of SL 2005-190, as amended, to provide as follows. Requires that (1) compensatory mitigation for riparian buffer loss in the watershed of an applicable drinking water supply must be performed in that watershed and (2) any nutrient offset purchased to offset loading in the watershed of a drinking water supply may only be obtained

from an offset project located in that watershed. Allows the Commission to further limit the area in which the mitigation must be performed or from which nutrient offsets may be obtained. As applied to land-disturbing activities beginning on or after January 1, 2010, enumerates four required design standards for sedimentation and erosion control, in addition to those required by state, federal, or local law, that must be met for land-disturbing activity in the watershed of an applicable water supply reservoir, until the rules required by Section 3(i) of this act are adopted. Requires the Sedimentation Control Commission to adopt rules of statewide applicability for the control of erosion and sedimentation resulting from land-disturbing activities in the watersheds of water supply reservoirs by December 31, 2011, and take into consideration the standards established in Section 3(h), as enacted by this act. Specifies that *land-disturbing activity* does not include the land-disturbing activities set out in GS 113A-52.01. Requires the Department of Environment and Natural Resources (DENR), in consultation with the Commission, to identify improvements needed in the design, operation, and siting of septic systems in order to reduce excess nutrient loading from septic tank systems in the watershed of a drinking water supply to which the section applies, with a report to the Commission for Public Health and to the Environmental Review Commission (ERC) by March 1, 2010.

Requires the Commission to adopt temporary rules, concurrently with permanent rule making required by Section 3 of SL 2005-190, by January 15, 2011.

Makes a technical change.

Changes the title to *AN ACT TO PROTECT AND RESTORE WATER QUALITY AND QUANTITY IN THE UPPER NEUSE RIVER BASIN, FALLS LAKE, AND OTHER DRINKING WATER SUPPLY RESERVOIRS BY DIRECTING THE ENVIRONMENTAL MANAGEMENT COMMISSION TO PROVIDE CREDIT TO LOCAL GOVERNMENTS, LANDOWNERS, AND OTHERS WHO REDUCE WATER POLLUTION IN THE UPPER NEUSE RIVER BASIN BEFORE PERMANENT RULES ARE ADOPTED AND TO MODIFY THE NUTRIENT MANAGEMENT STRATEGY AND ADOPT A SEDIMENTATION STRATEGY FOR CERTAIN DRINKING WATER SUPPLY RESERVOIRS.*

September 1, 2009

SL 2009-486 (S 1020). IMPROVE UPPER NEUSE BASIN WATER QUALITY. AN ACT TO PROTECT AND RESTORE WATER QUALITY AND QUANTITY IN THE UPPER NEUSE RIVER BASIN, FALLS LAKE, AND OTHER DRINKING WATER SUPPLY RESERVOIRS BY DIRECTING THE ENVIRONMENTAL MANAGEMENT COMMISSION TO PROVIDE CREDIT TO LOCAL GOVERNMENTS, LANDOWNERS, AND OTHERS WHO REDUCE WATER POLLUTION IN THE UPPER NEUSE RIVER BASIN BEFORE PERMANENT RULES ARE ADOPTED AND TO MODIFY THE NUTRIENT MANAGEMENT STRATEGY AND ADOPT A SEDIMENTATION STRATEGY FOR CERTAIN DRINKING WATER SUPPLY RESERVOIRS. Summarized in *Daily Bulletin* 3/26/09, 5/12/09, and 8/6/09. Enacted August 26, 2009. Section 3(h) of SL 2005-190, as enacted by Section 2(b) of this act, is effective January 1, 2010. The remainder is effective August 26, 2009.