

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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SENATE BILL 1020

Agriculture/Environment/Natural Resources Committee Substitute Adopted 5/12/09

Short Title: Upper Neuse River Basin Clean Water Credit.

(Public)

Sponsors:

Referred to:

March 26, 2009

A BILL TO BE ENTITLED

1 AN ACT TO PROTECT AND RESTORE WATER QUALITY AND QUANTITY IN THE
2 UPPER NEUSE RIVER BASIN, FALLS LAKE, AND OTHER DRINKING WATER
3 SUPPLY RESERVOIRS BY DIRECTING THE ENVIRONMENTAL MANAGEMENT
4 COMMISSION TO PROVIDE CREDIT TO LOCAL GOVERNMENTS,
5 LANDOWNERS, AND OTHERS WHO REDUCE WATER POLLUTION IN THE
6 UPPER NEUSE RIVER BASIN BEFORE PERMANENT RULES ARE ADOPTED.
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8 Whereas, that portion of the Neuse River Basin that is upstream of the Falls Dam
9 and that includes Falls Lake is often referred to as the Upper Neuse River Basin; and

10 Whereas, the nine drinking water supply reservoirs in the Upper Neuse River Basin
11 provide water for drinking, sanitation, food processing, cooling, industrial processing, and other
12 essential uses for the citizens of Orange, Person, Durham, Granville, and Wake Counties; and

13 Whereas, the General Assembly enacted S.L. 1997-458, the Clean Water
14 Responsibility and Environmentally Sound Policy Act, to protect and restore the waters of the
15 State in 1997; and

16 Whereas, the General Assembly enacted S.L. 2005-190, the Clean Lakes Act, to
17 protect and restore the drinking water supply reservoirs of the State in 2005; and

18 Whereas, the North Carolina Division of Water Quality in the Department of
19 Environment and Natural Resources listed Falls Lake in the Upper Neuse River Basin as
20 impaired waters in 2008, and the U.S. Environmental Protection Agency also classifies Falls
21 Lake as impaired waters due to nutrients and turbidity; and

22 Whereas, the quality and quantity of the water in the nine drinking water supply
23 reservoirs in the Upper Neuse River Basin are essential to public health, environmental quality,
24 and the economic vitality of the region; and

25 Whereas, the North Carolina Environmental Management Commission may not
26 develop a nutrient management strategy and rules to implement the nutrient management
27 strategy for the Upper Neuse River Basin by July 1, 2009, as required by law; and

28 Whereas, delayed development of a nutrient management strategy and rules to
29 implement the nutrient management strategy threatens the quality and quantity of drinking
30 water supply reservoirs in the Upper Neuse River Basin; Now, therefore,
31 The General Assembly of North Carolina enacts:

32 **SECTION 1.(a)** Definition. – For purposes of this section, the term "Upper Neuse
33 River Basin" is that portion of the Neuse River Basin upstream of the Falls Dam, including
34 Falls Lake.

35 **SECTION 1.(b)** Credit for Early Adoption. – The Environmental Management
36 Commission shall encourage local governments, landowners, and others to develop, adopt, and
37 implement policies and practices to reduce the runoff and discharge of nitrogen, phosphorus,



1 sediment, and other pollutants into the surface waters and drinking water supply reservoirs in
2 the Upper Neuse River Basin before it adopts permanent rules to implement the nutrient
3 management strategy and the turbidity strategy for Upper Falls Lake. The Environmental
4 Management Commission shall, in its permanent rules, provide credit for the early
5 implementation of the nutrient management strategy for the Upper Neuse River Basin and the
6 turbidity strategy for Falls Lake to local governments, landowners, and others who implement
7 policies and practices after January 1, 2007, to reduce runoff and discharge of nitrogen,
8 phosphorus, and sediment in the Upper Neuse River Basin.

9 **SECTION 2.** Reports. – The Environmental Management Commission shall report
10 its progress in implementing this act to the Environmental Review Commission as part of each
11 quarterly report it makes pursuant to G.S. 143B-282(b).

12 **SECTION 3.** This act is effective when it becomes law.