

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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SENATE BILL 1020

Short Title: Upper Neuse River Basin Clean Water Credits. (Public)

Sponsors: Senators Stein; Atwater, Berger of Franklin, Davis, Dorsett, Hunt, Kinnaird, McKissick, and Stevens.

Referred to: Agriculture/Environment/Natural Resources.

March 26, 2009

A BILL TO BE ENTITLED

1
2 AN ACT TO PROTECT AND RESTORE WATER QUALITY AND QUANTITY IN THE
3 UPPER NEUSE RIVER BASIN, FALLS LAKE, AND OTHER DRINKING WATER
4 SUPPLY RESERVOIRS BY DIRECTING THE ENVIRONMENTAL MANAGEMENT
5 COMMISSION TO PROVIDE CREDITS TO LOCAL GOVERNMENTS,
6 LANDOWNERS, AND OTHERS WHO REDUCE WATER POLLUTION IN THE
7 UPPER NEUSE RIVER BASIN AFTER JANUARY 1, 2009, AND BEFORE
8 PERMANENT RULES ARE ADOPTED.

9 Whereas, that portion of the Neuse River Basin that is upstream of the Falls Dam
10 and that includes Falls Lake is often referred to as the Upper Neuse River Basin; and

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

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

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

19 Whereas, the North Carolina Division of Water Quality listed Falls Lake in the
20 Upper Neuse River Basin as impaired waters in 2008 and the U.S. Environmental Protection
21 Agency also classifies Falls 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 Environmental Management Commission may not develop a nutrient
26 management strategy and rules to implement the nutrient management strategy for the Upper
27 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)** Credits for Early Adoption. – The Environmental Management
36 Commission shall encourage local governments, landowners, and others to develop, adopt, and



1 implement policies and practices to reduce the runoff and discharge of nitrogen, phosphorus,
2 sediment, and other pollutants into the surface waters and drinking water supply reservoirs in
3 the Upper Neuse River Basin before it adopts permanent rules to implement the nutrient
4 management strategy and the turbidity strategy for Upper Falls Lake. The Environmental
5 Management Commission shall adopt temporary rules by January 1, 2010, to provide credits to
6 local governments, landowners, and others who implement policies and practices after January
7 1, 2009, to reduce the runoff and discharge of nitrogen, phosphorus, and sediment in the Upper
8 Neuse River Basin. The Environmental Management Commission shall provide credits for
9 early adoption in its permanent rules to implement the nutrient management strategy for the
10 Upper Neuse River Basin and the turbidity strategy for Falls Lake. Local governments that
11 voluntarily adopt stormwater programs on or before January 1, 2010, at least as stringent as the
12 stormwater rules for the Neuse Basin, shall have provided two additional years to implement
13 any other nutrient or turbidity requirements included in the nutrient and turbidity management
14 strategies adopted by the Environmental Management Commission.

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

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