

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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SENATE BILL 514\*  
PROPOSED COMMITTEE SUBSTITUTE S514-PCS55325-TF-14

Short Title: Nutrient Management Plan Only For NSW.

(Public)

Sponsors:

Referred to:

April 6, 2011

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A NUTRIENT MANAGEMENT PLAN SHALL NOT BE  
ADOPTED OR IMPLEMENTED FOR SURFACE WATERS OF THE STATE UNLESS  
THOSE WATERS HAVE BEEN CLASSIFIED AS NUTRIENT SENSITIVE WATERS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 143-215.1 is amended by adding a new subsection to read:

"(c7) Notwithstanding any other provision of law, a nutrient management plan shall not be adopted or implemented for surface waters of the State unless those waters have been classified as nutrient sensitive waters (NSW) under rules adopted by the Commission."

**SECTION 2.** G.S. 143-215.1(c6) reads as rewritten:

"(c6) For surface waters that the Commission classifies as nutrient sensitive waters (NSW) on or after 1 July 1997, the Commission shall establish a date by which facilities that were placed into operation prior to the date on which the surface waters are classified NSW or for which an authorization to construct was issued prior to the date on which the surface waters are classified NSW must comply with subsections (c1) and (c2) of this section. The Commission shall establish the compliance date at the time of the classification. ~~The Commission shall not establish a compliance date that is more than five years after the date of the classification.~~ The Commission may extend the compliance date as provided in G.S. 143-215.1B. A request to extend a compliance date shall be submitted within 120 days of the date on which the Commission reclassifies a surface water body as NSW."

**SECTION 3.** G.S. 143-215.8B reads as rewritten:

**"§ 143-215.8B. Basinwide water quality management plans.**

(a) The Commission shall develop and implement a basinwide water quality management plan for each of the 17 major river basins in the State. In developing and implementing each plan, the Commission shall consider the cumulative impacts of all of the following:

- (1) All activities across a river basin and all point sources and nonpoint sources of pollutants, including municipal wastewater facilities, industrial wastewater systems, septic tank systems, stormwater management systems, golf courses, farms that use fertilizers and pesticides for crops, public and commercial lawns and gardens, atmospheric deposition, and animal operations.



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- 1 (2) All transfers into and from a river basin that are required to be registered  
2 under ~~G.S.~~G.S. 143-215.22H.
- 3 (b) Each basinwide water quality management plan shall:
- 4 (1) Provide that all point sources and nonpoint sources of pollutants jointly  
5 share the responsibility of reducing the pollutants in the State's waters in a  
6 fair, reasonable, and proportionate manner, using computer modeling and the  
7 best science and technology reasonably available and considering future  
8 anticipated population growth and economic development.
- 9 (2) If any of the waters located within the river basin are designated as nutrient  
10 sensitive waters, then the basinwide water quality management plan shall  
11 establish a goal to reduce the average annual mass load of nutrients that are  
12 delivered to surface waters within the river basin from point and nonpoint  
13 sources. The Commission shall establish a nutrient reduction goal for the  
14 nutrient or nutrients of concern that will result in improvements to water  
15 quality such that the designated uses of the water, as provided in the  
16 classification of the water under G.S. 143-214.1(d), are not impaired. The  
17 plan shall require ~~that incremental progress toward achieving the goal. goal~~  
18 ~~be demonstrated each year. The Commission shall develop a five year plan~~  
19 ~~to achieve the goal.~~In developing the plan, the Commission shall determine  
20 and allow appropriate credit toward achieving the goal for reductions of  
21 water pollution by point and nonpoint sources through voluntary measures.
- 22 (c) The Commission shall review and revise its 17 basinwide water quality  
23 management plans at least every ~~five~~ten years to reflect changes in water quality,  
24 improvements in modeling methods, improvements in wastewater treatment technology, and  
25 advances in scientific knowledge and, as need to support designated uses of water,  
26 modifications to management strategies.

27 ...."

28 **SECTION 4.** S.L. 2005-190 is amended by adding a new section to read:

29 "SECTION 4A. This act shall not be construed to authorize the implementation of a  
30 nutrient management plan for surface waters of the State unless those waters have been  
31 classified as nutrient sensitive waters (NSW) under rules adopted by the Commission."

32 **SECTION 5.** This act is effective when it becomes law and applies to nutrient  
33 management plans that have not been approved by the Commission prior to that date.