

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1030

AMENDMENT NO. A8
(to be filled in by
Principal Clerk)

H1030-AMH-98 [v.2]

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Amends Title [NO]
Fifth Edition

Date _____, 2016

Senator Alexander

1 moves to amend the bill on page 111, line 24 through page 113, line 30, by replacing those lines
2 with the following language:

3 **"DEVELOPMENT OF NEW COMPREHENSIVE NUTRIENT MANAGEMENT**
4 **REGULATORY FRAMEWORK**

5 **SECTION 14.13.(a)** The General Assembly finds all of the following:

- 6 (1) It is necessary for the State to have a comprehensive management strategy to
7 protect and improve water quality.
- 8 (2) Over the last 20 years, watershed nutrient management strategies and buffer
9 rules have been implemented throughout North Carolina.
- 10 (3) Existing nutrient management strategies in many cases have shown little to no
11 improvement in water quality, have created an increased regulatory and
12 economic burden in the billions of dollars to the State, its municipalities, and its
13 citizens, and have limited, and in some cases significantly limited, land use
14 options for thousands of public and private properties.
- 15 (4) Instead of continuing regulatory frameworks that may not improve water
16 quality in all watersheds now or in the future, new comprehensive management
17 strategies that include in situ treatment of impaired water bodies must be
18 developed.
- 19 (5) These new strategies should incorporate proven measures already shown to be
20 effective and recognize investments in water quality already implemented by
21 stakeholders.

22 **SECTION 14.13.(b)** For the reasons set forth in subsection (a) of this section,
23 subsections (a) and (c) of Section 14.5 of S.L. 2015-241 are repealed and the Department shall
24 terminate the Jordan Lake demonstration project. Any funds allocated under subsection (a) of
25 Section 14.5 of S.L. 2015-241 that are unspent and unencumbered on the effective date of this act
26 shall revert to the Clean Water Management Trust Fund.

27 **SECTION 14.13.(c)** Of the funds appropriated in this act to the Clean Water
28 Management Trust Fund, the sum of five hundred thousand dollars (\$500,000) for each of the
29 fiscal years from 2016-2017 through 2019-2020 is allocated to the Office of the Chancellor at the
30 University of North Carolina Chapel Hill to designate an entity to oversee a study and analysis of
31 nutrient management strategies (including in situ strategies) and compilation of existing water
32 quality data specifically in the context of the State's nutrient impaired water bodies. As part of this



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1 study, the entity shall review data collected by the Department of Environmental Quality and by
2 other stakeholders from water sampling in areas subject to one of the State Nutrient Management
3 Strategies and compare trends in water quality to the implementation of the various elements of
4 each of the State Nutrient Management Strategies. The entity shall also examine the costs and
5 benefits of basinwide nutrient strategies in other states and the impact (or lack of impact) those
6 strategies have had on water quality. The entity shall report the results of its study and its
7 recommendations for further action (including any statutory or regulatory changes necessary to
8 implement the recommendations) to the Environmental Review Commission, the Environmental
9 Management Commission, and the Department of Environmental Quality no later than December
10 31, 2019. No indirect or facilities and administrative costs shall be charged by the University
11 against the funds allocated by this section. The Department of Environmental Quality shall
12 provide all necessary data and staff assistance as requested by the entity for the duration of the
13 study required by this subsection. The Department shall also designate from existing positions an
14 employee to serve as liaison between the Department and the entity to facilitate communication
15 and handle data requests for the duration of the project.

16 **SECTION 14.13.(d)** As part of the periodic review of rules required by
17 G.S. 150B-21.3A, the Environmental Management Commission shall, based on the study required
18 by subsection (c) of this section, review and revise the State Nutrient Management Strategies,
19 consisting of the following:

- 20 (1) The Neuse River Basin Nutrient Sensitive Waters Management Strategy, 15A
21 NCAC 2B .0232 through .0242 and .0315.
- 22 (2) The Tar-Pamlico Basin Nutrient Sensitive Waters Management Strategy, 15A
23 NCAC 2B .0255 through .0261 and .0316.
- 24 (3) The Falls Water Supply Nutrient Strategy, 15A NCAC 2B .0275 through .0282
25 and .0315.
- 26 (4) The Jordan Lake Water Supply Nutrient Strategy, 15A NCAC 2B .0263
27 through .0273 and .0311.
- 28 (5) The Randleman Lake Water Supply Watershed: Protection and Maintenance of
29 Existing Riparian Buffers, 15A NCAC 2B .0250.
- 30 (6) Catawba River Basin: Protection and Maintenance of Existing Riparian
31 Buffers, 15A NCAC 2B .0243.
- 32 (7) The Site Specific Water Quality Management Plan for the Goose Creek
33 Watershed (Yadkin-Pee Dee River Basin), 15A NCAC 2B .0605 and .0607.
- 34 (8) All other regulations imposing riparian buffer requirements for the purpose of
35 nutrient management identified by the report required of the Department of
36 Environmental Quality in this subsection.
- 37 (9) Any changes to these regulations imposed by subsequent acts of the General
38 Assembly.

39 No later than December 31, 2016, the Department of Environmental Quality shall
40 report to the Environmental Review Commission a list of any other rules and any subsequent acts
41 of the General Assembly changing the rules that impose nutrient strategies and buffer
42 requirements pertaining to water quality, and the Commission's review shall include the rules
43 identified in this section and in that report. No later than December 31, 2020, the Commission

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1 shall, based on its review and the study required by subsection (c) of this section, adopt temporary
2 rules based on the revisions to the State Nutrient Management Strategies. As part of its
3 rule-making process, the Commission shall (i) hold public hearings in the upstream and
4 downstream portions of all impacted river basins and subbasins and (ii) no later than December
5 31, 2016, convene a stakeholder working group that represents all classes of users and all
6 geographic parts of the impacted river basins and subbasins.

7 **SECTION 14.13.(e)** The existing rules identified in subsection (d) of this section as
8 well as any other rules and modifications in the Department's December 31, 2016, report required
9 by that subsection are repealed on the earlier of the effective date of the temporary rules or
10 December 31, 2020.

11 **SECTION 14.13.(f)** Of the funds appropriated in this act to the Clean Water
12 Management Trust Fund for the 2016-2017 fiscal year, the sum of five hundred thousand dollars
13 (\$500,000) is allocated to the Wildlife Resources Commission to conduct applied research on
14 endemic freshwater mussel species, including species listed as federally threatened or endangered.
15 Specific research goals shall include determination of filtration capacity, nutrient cycling, and diet
16 preference; development and refinement of in vitro propagation; and determination of population
17 status, restoration goals, and opportunities to augment or restore mussel communities. The
18 Commission shall also assess strategies for use of freshwater mussel species in impaired water
19 bodies in the State, including Jordan and Falls Lakes. The Commission shall provide an interim
20 report no later than March 1, 2017, and a final report no later than May 1, 2018, regarding its
21 implementation of this section to the Environmental Review Commission, the Joint Legislative
22 Oversight Committee on Agriculture and Natural and Economic Resources, and the Fiscal
23 Research Division. Funds allocated under this subsection that are not expended or
24 encumbered at the conclusion of the demonstration project shall revert to the Clean Water
25 Management Trust Fund.

26 **SECTION 14.13.(g)** Rules that are a part of the nutrient management strategy for the
27 Jordan Lake watershed and the Falls Lake watershed, but that have effective dates between the
28 effective date of this act and December 31, 2020, shall not take effect and are subject to the repeal
29 set forth in subsection (e) of this section. While delayed, these rules are not subject to existing rule
30 review under G.S. 150B-21.3A.

31 **SECTION 14.13.(h)** The cost for nutrient offsets in any watershed subject to a State
32 Nutrient Management Strategy shall be, notwithstanding any other provision of law, no higher
33 than those currently established for the Falls Lake watershed. This subsection expires on the
34 earlier of the effective date of new temporary rules established under subsection (d) of this section
35 or December 31, 2020.

36 **SECTION 14.13.(i)** Subsection (b) of this section becomes effective on the earlier of
37 July 1, 2016, or the date of termination of a contract related to in situ water quality remediation
38 strategies that was previously extended pursuant to Section 14.5 of S.L. 2015-241."

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SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

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