

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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SENATE BILL 32

Short Title: Beach Nourishment/Clean Water Funds.

(Public)

Sponsors: Senator Ballantine.

Referred to: Agriculture/Environment/Natural Resources.

February 5, 2001

A BILL TO BE ENTITLED

AN ACT TO INCLUDE BEACH NOURISHMENT AND BEACH MANAGEMENT PRACTICES AS PURPOSES FOR WHICH GRANTS MAY BE MADE FROM THE CLEAN WATER MANAGEMENT TRUST FUND.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113-145.1 reads as rewritten:

"§ 113-145.1. Purpose.

The General Assembly recognizes that a critical need exists in this State to clean up pollution in the State's surface waters and to protect and conserve those waters that are not yet polluted. The task of cleaning up polluted waters and protecting the State's water resources is multifaceted and requires different approaches that take into account the problems, the type of pollution, the geographical area, and the recognition that the hydrological and ecological values of each resource sought to be upgraded, conserved, and protected are unique. The General Assembly recognizes that there is also a critical need to nourish beaches and to encourage beach management practices that help limit storm damage and flooding and that assist with erosion control.

It is the intent of the General Assembly that moneys from the Fund created under this Article shall be used to help finance projects that specifically address water pollution problems and focus on upgrading surface waters, eliminating pollution, and protecting and conserving unpolluted surface waters, including urban drinking water supplies. It is the further intent of the General Assembly that moneys from the Fund also be ~~used~~used: (i) to build a network of riparian buffers and greenways for environmental, educational, and recreational ~~benefits~~.benefits, and (ii) to nourish beaches and assist with other beach management practices. While the purpose of this Article is to focus on the cleanup and prevention of pollution of the State's surface ~~waters and~~waters, on the establishment of a network of riparian buffers and greenways, and on beach nourishment and other beach management practices, the General

1 Assembly believes that the results of these efforts will also be beneficial to wildlife and
2 marine fisheries habitats."

3 **SECTION 2.** G.S. 113-145.3 reads as rewritten:

4 **"§ 113-145.3. Clean Water Management Trust Fund: established.**

5 (a) Fund Established. – There is established a Clean Water Management Trust
6 Fund in the State Treasurer's Office that shall be used to finance projects to clean up or
7 prevent surface water pollution and to nourish beaches and assist with beach
8 management practices in accordance with this Article.

9 (b) Fund Earnings, Assets, and Balances. – The State Treasurer shall hold the
10 Fund separate and apart from all other moneys, funds, and accounts. Investment
11 earnings credited to the assets of the Fund shall become part of the Fund. Any balance
12 remaining in the Fund at the end of any fiscal year shall be carried forward in the Fund
13 for the next succeeding fiscal year. Payments from the Fund shall be made on the
14 warrant of the Chair of the Board of Trustees.

15 (c) Fund Purposes. – Moneys from the Fund may be used for any of the
16 following purposes:

17 (1) To acquire land for riparian buffers for the purposes of providing
18 environmental protection for surface waters and urban drinking water
19 supplies and establishing a network of riparian greenways for
20 environmental, educational, and recreational uses.

21 (1a) To nourish beaches and assist with beach management practices.

22 (2) To acquire conservation easements or other interests in real property
23 for the purpose of protecting and conserving surface waters and urban
24 drinking water supplies.

25 (3) To coordinate with other public programs involved with lands
26 adjoining water bodies to gain the most public benefit while protecting
27 and improving water quality.

28 (4) To restore previously degraded lands to reestablish their ability to
29 protect water quality.

30 (5) To repair failing waste treatment systems if: (i) an application has first
31 been submitted to receive a loan or grant from the Clean Water
32 Revolving Loan and Grant Fund and the application was denied during
33 the latest review cycle; (ii) the repair is a reasonable remedy for
34 resolving an existing waste treatment problem; and (iii) the repair is
35 not for the purpose of expanding the system to accommodate future
36 anticipated growth of a community. Priority shall be given to
37 economically distressed units of local government.

38 (6) To repair and eliminate failing septic tank systems, to eliminate illegal
39 drainage connections, and to expand waste treatment systems if the
40 system is being expanded as a remedy to eliminate failing septic tank
41 systems or illegal drainage connections. Priority shall be given to
42 economically distressed units of local government.

43 (7) To improve stormwater controls and management practices.

44 (8) To facilitate planning that targets reductions in surface water pollution.

1 (9) To fund operating expenses of the Board of Trustees and its staff.
2 (d) Limit on Operating and Administrative Expenses. – No more than two
3 percent (2%) of the annual balance of the Fund on July 1 or a total sum of eight hundred
4 fifty thousand dollars (\$850,000), whichever is less, may be used each fiscal year for
5 administrative and operating expenses of the Board of Trustees and its staff"

6 **SECTION 3.** G.S. 113-145.6(b) reads as rewritten:

7 "(b) Develop Grant Criteria. – The Trustees shall develop criteria for awarding
8 grants under this Article. The criteria developed shall include consideration of the
9 following:

- 10 (1) The significant enhancement and conservation of water quality in the
11 State.
12 (2) The objectives of the basinwide management plans for the State's river
13 basins and watersheds.
14 (3) The promotion of regional integrated ecological networks insofar as
15 they affect water quality.
16 (4) The specific areas targeted as being environmentally sensitive.
17 (5) The geographic distribution of funds as appropriate.
18 (6) The preservation of water resources with significant recreational or
19 economic value and uses.
20 (7) The development of a network of riparian buffer-greenways bordering
21 and connecting the State's waterways that will serve environmental,
22 educational, and recreational uses.
23 (8) The nourishment of beaches and providing assistance for beach
24 management practices that help limit storm damage and flooding and
25 that assist with erosion control."

26 **SECTION 4.** This act is effective when it becomes law.