

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S

2

SENATE BILL 514*
House Committee Substitute Favorable 6/15/11

Short Title: Nutrient Management Plan Only For NSW. (Public)

Sponsors:

Referred to:

April 6, 2011

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

5 The General Assembly of North Carolina enacts:

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

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

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

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

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

22 "**§ 143-215.8B. Basinwide water quality management plans.**

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

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

33 (2) All transfers into and from a river basin that are required to be registered
34 under ~~G.S.~~G.S. 143-215.22H.

35 (b) Each basinwide water quality management plan shall:



1 (1) Provide that all point sources and nonpoint sources of pollutants jointly
2 share the responsibility of reducing the pollutants in the State's waters in a
3 fair, reasonable, and proportionate manner, using computer modeling and the
4 best science and technology reasonably available and considering future
5 anticipated population growth and economic development.

6 (2) If any of the waters located within the river basin are designated as nutrient
7 sensitive waters, then the basinwide water quality management plan shall
8 establish a goal to reduce the average annual mass load of nutrients that are
9 delivered to surface waters within the river basin from point and nonpoint
10 sources. The Commission shall establish a nutrient reduction goal for the
11 nutrient or nutrients of concern that will result in improvements to water
12 quality such that the designated uses of the water, as provided in the
13 classification of the water under G.S. 143-214.1(d), are not impaired. The
14 plan shall require ~~that incremental progress toward achieving the goal. goal~~
15 ~~be demonstrated each year. The Commission shall develop a five-year plan~~
16 ~~to achieve the goal.~~ In developing the plan, the Commission shall determine
17 and allow appropriate credit toward achieving the goal for reductions of
18 water pollution by point and nonpoint sources through voluntary measures.

19 (c) The Commission shall review and revise its 17 basinwide water quality
20 management plans at least every ~~five~~ten years to reflect changes in water quality,
21 improvements in modeling methods, improvements in wastewater treatment technology, and
22 advances in scientific knowledge and, as need to support designated uses of water,
23 modifications to management strategies.

24"

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

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

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