

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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SENATE BILL 981

Short Title: Drinking Water Reservoir Protection Act. (Public)

Sponsors: Senators Cowell; Atwater, Hunt, and Malone.

Referred to: Agriculture/Environment/Natural Resources.

March 24, 2005

A BILL TO BE ENTITLED
AN ACT TO DIRECT THE ENVIRONMENTAL MANAGEMENT COMMISSION
TO STUDY WATER QUALITY IN THE STATE'S DRINKING WATER
RESERVOIRS, TO DEVELOP AND IMPLEMENT A NUTRIENT
MANAGEMENT STRATEGY FOR RESERVOIRS FOR WHICH WATER
QUALITY MONITORING IS PLANNED, AND TO REPORT TO THE
ENVIRONMENTAL REVIEW COMMISSION ON THE STATUS OF CURRENT
RULE MAKING TO IMPLEMENT A NUTRIENT MANAGEMENT STRATEGY
FOR ANY IMPAIRED RESERVOIRS.

The General Assembly of North Carolina enacts:

SECTION 1. The Environmental Management Commission shall study the State's drinking water reservoirs to determine whether the water quality in those reservoirs meets the current water quality standards. If the Commission determines that the water quality does not meet the current water quality standards in all or in part of the reservoir or is not likely to meet the water quality standards at any time within the next five years, it shall also consider what factors may be contributing to the water quality degradation. The Commission shall analyze existing data and report its findings and recommendations to the Environmental Review Commission by May 1, 2006.

SECTION 2.(a) For drinking water reservoirs to which this section applies, notwithstanding any other provision of law, no discharge or activity by any point source that would result in new or expanded nutrient loading shall be permitted unless and until the Commission issues its final approval of a nutrient management strategy.

By December 31, 2007, the Commission, based on an approved calibrated nutrient response model, shall develop and implement a nutrient management strategy that will establish a schedule for mandatory reductions by point and nonpoint sources in the watershed to reduce nutrient loading to levels needed to prevent violations of water quality standards, including a margin of safety, within five years, or December 31, 2012. The Environmental Management Commission shall not adopt temporary rules to implement this nutrient management strategy.

1 The Environmental Management Commission shall develop a nutrient
2 management strategy. The nutrient management strategy shall reduce nutrients in
3 proportion to the individual contributions of point and nonpoint sources. The nutrient
4 management strategy shall be uniform throughout the watershed and incorporate the
5 most stringent provision of any overlapping water quality regulation. The nutrient
6 management strategy shall include specific mandatory measures, including, but not
7 limited to, buffers, erosion, and sedimentation control requirements, postconstruction
8 stormwater management, agriculture nutrient reduction measures, or other measures,
9 approved by the Commission, that meet the reduction goals. To the extent that one or
10 more State programs already mandate such measures, the nutrient management strategy
11 must include measures that are no less stringent and that are more stringent if needed to
12 meet the nutrient reduction targets.

13 If a trading mechanism is to be used in the strategy, it must do all of the
14 following:

- 15 (1) Prohibit credit transfers that may have adverse local impacts or that
16 would cause or contribute to water quality standard violations.
- 17 (2) Prohibit point source to nonpoint source trading.
- 18 (3) Provide for public review and comment prior to any permit
19 modification or other measure that would allow the use of traded
20 credits.

21 **SECTION 2.(b)** This section applies only to drinking water reservoirs that
22 meet the following criteria:

- 23 (1) The reservoir serves a population greater than 300,000,
- 24 (2) The reservoir has been classified or designated as a nutrient sensitive
25 water; and
- 26 (3) The water quality of the reservoir may be in violation of the
27 "Chlorophyll A" standard according to current data, or the reservoir
28 already has a monitoring plan in place, but no calibrated nutrient
29 response model has been prepared for the reservoir as of the effective
30 date of this act.

31 **SECTION 3.** The Environmental Management Commission shall report to
32 the Environmental Review Commission by May 1, 2006, as to its progress in
33 implementing a nutrient management strategy for any drinking water reservoirs for
34 which a calibrated nutrient response model has been prepared.

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