

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE DRS15209-LH-109A (3/4)

Short Title: Drinking Water Reservoir Protection Act.

(Public)

Sponsors: Senator Cowell.

Referred to:

A BILL TO BE ENTITLED

1
2 AN ACT TO DIRECT THE ENVIRONMENTAL MANAGEMENT COMMISSION
3 TO STUDY WATER QUALITY IN THE STATE'S DRINKING WATER
4 RESERVOIRS, TO DEVELOP AND IMPLEMENT A NUTRIENT
5 MANAGEMENT STRATEGY FOR RESERVOIRS FOR WHICH WATER
6 QUALITY MONITORING IS PLANNED, AND TO REPORT TO THE
7 ENVIRONMENTAL REVIEW COMMISSION ON THE STATUS OF CURRENT
8 RULE MAKING TO IMPLEMENT A NUTRIENT MANAGEMENT STRATEGY
9 FOR ANY IMPAIRED RESERVOIRS.

10 The General Assembly of North Carolina enacts:

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

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

23 By December 31, 2007, the Commission, based on an approved calibrated
24 nutrient response model, shall develop and implement a nutrient management strategy
25 that will establish a schedule for mandatory reductions by point and nonpoint sources in
26 the watershed to reduce nutrient loading to levels needed to prevent violations of water
27 quality standards, including a margin of safety, within five years, or December 31,

1 2012. The Environmental Management Commission shall not adopt temporary rules to
2 implement this nutrient management strategy.

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

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

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

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

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

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

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