

ALBEMARLE-PAMLICO NATIONAL ESTUARY PROGRAM  
COORDINATING COUNCIL MEETING

Archdale Bldg.  
Raleigh, NC

April 23, 1999

MINUTES

The meeting was called to order by Chairman Bill Holman at 10:00am. He asked that self-introductions be made by all those present (See Attachment A). He then asked for a motion to accept the minutes of the last Coordinating Council meeting held on January 15th in River Bend, NC. Bill Ritchie made a motion to accept the minutes as written and it was seconded by Fred McManus. Motion carried.

Chairman Holman explained that he would have to leave to attend a legislative meeting beginning at 1:30pm and asked the group's indulgence for re-arranging the order of the agenda. He began with "New Business" and directed the group's attention to the hand-outs placed at each seat. (See Attachment B). He began with the document entitled "NC State Budget, 1999-01: Summary of Recommended Expansion and Adjustments" saying that it was text describing Governor Hunt's expansion budget to the General Assembly. He added that the Governor has asked the General Assembly to appropriate ~14.5 million dollars, and hire about 147 staff to bolster state wide efforts to protect and restore water quality. Highlights include funds to: 1.) improve river basin management efforts, particularly getting our computer databases in order so that they are more user-friendly; 2.) increase in NC's efforts to monitor water quality, including recreational water quality monitoring, so that the public will know when beaches and inland waters are safe to swim and play in; 3.) expand the DWQ's ambient water quality monitoring network; 4.) expand efforts at reducing nonpoint sources of pollution through the CREP program; adding more staff to inspections of construction sites for sediment/erosion control, staff to enforce buffer and wetland rules; 5.) increase staff to help enforce other water quality laws e.g. onsite wastewater, septic tanks, DWQ's municipal compliance initiative (to deal with municipalities that have spills) and to offer technical assistance; 6.) hire an economist for the DWQ to help us in understanding the implications of our rules; and lastly 7.) the Governor's budget has another installment on our effort to reform and better manage our marine fisheries. The General Assembly passed the Fisheries Reform Act in 1997 providing appropriations to write the Fisheries Management Plan and the Coastal Habitat Protection Plans during the last session. Governor Hunt is requesting expansion money to continue that effort.

Chairman Holman continued, asking that those present support Governor Hunt's budget and contact him (Homan) if there were questions. He indicated that the House would soon be finalizing their budget to send to the Senate and that DENR was asked to consider ~5% cut in the

existing budget. He added that there may be no provision for expansion. Additionally he said that DENR hoped for some expansion or, at the very least, that the existing budget be maintained. Some discussion ensued. Comments made centered around the need for prioritization of the portions of the budget request that needed the most attention because of the belief that not all that is wrong with the environment needs more money thrown at it. For example, using the public and state employees (while they are "out and about") to assist in the identification of environmental violations or in water quality monitoring - sort of an "eyes and ears" program.

Lastly, Chairman Holman referenced the Governor's Clean Air Initiative. (See Attachment C). This primarily deals with problems in the mountains and urban areas, although the ozone is an issue in parts of eastern NC and the Triangle. The plan is to reduce and control ozone emissions (NOx) from vehicles, power plants and industry. The General Assembly is expected to take action on this later this year. Chairman Holman mentioned an emerging issue -atmospheric deposition -the connection between air pollution and water pollution, i.e. nitrogen which is emitted from power plants, vehicles and other sources, and the impact that nitrogen has on water quality. The efforts of the Air Initiative are directed at reducing pollution at the source, and it is hoped that this will have beneficial impact on reducing the amount of atmospheric deposition to coastal waters. The House Bill is HB#323 and the Senate Bill is SB#563.

The next order of business was reporting by the Regional Councils.

Bill Ritchie, Chair of the Neuse River Basin Regional Council (NRBRC), reported that their demonstration project proposal was 75% developed. The project seeks to monitor the water quality of selected tributaries (to the river mainstem) so that nonpoint sources of pollution may be identified and hopefully reduced. Essentially, by treating the tributaries as point sources, data directly pertaining to nonpoint sources can be developed. It is believed that nonpoint sources contribute ~65% of pollution to the water. Volunteer monitors, members of the Neuse River Foundation, and DWQ staff are envisioned as participating in this project. Mr. Ritchie hoped the project would be ready to go by July. He also reported that the Neuse RC is considering the use of alternate members to their Council in order to bolster attendance.

Brewster Brown, Vice Chair of the Chowan River Basin Regional Council (CRBRC) was the next to report. He directed the members' attention to the **draft** resolution entitled "*Recommendation that an Environmental Impact Statement be Conducted Regarding the Proposed Nucor Facility Located on the Chowan River*" which was included in the documents at their seats. (See Attachment C.2) He explained that while the draft resolution was not yet ratified by the full CRBRC, he wanted to bring it to the attention of the Coordinating Council. He further reported that members from Nucor's management team, and more recently, a member of the Division of Air Quality's WaRO staff, had addressed the CRBRC on three different occasions. Additionally, he reported that a demonstration project team had been formed within the CRBRC and that they were entertaining preliminary ideas for projects. Mr. Brown added that attendance was somewhat of a concern within the CRBRC, but that there was a cadre of "regulars" who could be counted upon to be present at meetings.

Some discussion ensued regarding the differences between an EA and an EIS. Chairman Holman reported that Nucor's air quality permit had been issued and that the stormwater permit had been requested and would probably be issued before the CRBRC's June meeting. He added that the Division of Coastal Management had not issued their permit.

Vince Bellis, sitting in for the Tar-Pamlico River Basin Regional (TPRBRC) Chairman Earl Bell, was the next to report. He expressed his displeasure with the APNEP program and conveyed his resignation from the Coordinating Council and probably the TPRBRC as well. He said he would be participating the next week in the Tar-Pamlico basinwide plan (public) meeting. He felt the TPRBRC had no impact whatsoever on the development of that plan.

He reported his displeasure was manifold, but overriding it all was the fact that "we just bumble along." He added that although this Regional Council does not suffer the sparse attendance experienced by some of the other RCs, many of the people who are in regular attendance are not terribly knowledgeable about the river. The TPRBRC spent about a year gaining some very important, very valuable information from state agencies pertaining to the biology and water quality of the river. However, he felt the group was unable to translate that into any real action.

With regard to TPRBRC demonstration projects he reported that he didn't feel they were very remarkable. One is a pasture aeration project in Warren Co. and the other proposal being considered deals with alternative septic systems. It is being submitted by Dr. David Lindbo at the Vernon James Research Center in Plymouth.

He continued, saying that he felt there was a "lack of focus on the TPRBRC and if the group had been asked to consider alternatives, had the approach been -this is your basin, these are the alternatives, the things related to setbacks in water quality and so on, this is the range of alternatives - we want you people to make some suggestions about where along this continuum, this range, you want to see us be." He added that he enjoyed going to the RC meetings and would miss the other members, but felt it was not a productive use of his time.

Cheryl Byrd, who was sitting in for TPRBRC Chairman, Earl Bell, acknowledged that she was a new appointee from Dare Co. and a county commissioner there. She said she "saw things a little differently." She felt that the two TPRBRC meetings at which she was present, were well attended and that the attendees were fairly participatory. She felt that while the demonstration proposals may not be terribly remarkable, they did have merit, because the problems of agricultural runoff and failing septic systems are prevalent in the basin. She felt there could be "payoff with these projects" and added that in the case of the aeration demo project the \$10,000 being requested was a very small part of the overall project. There are numerous other partners involved in the 3-year, \$300,000 effort.

Discussion ensued regarding the "lack of empowerment" felt by some RC members, and the observation that the program (APNEP) is being run on a shoestring of resources without the support expected to be seen from state and local government officials.

Chairman Holman thanked Vince Bellis for his long-standing involvement with the APES project and for his tenure on the TPRBRC. Chairman Holman asked if the lack of input to shaping the Tar-Pam basin plan was the state's fault for not asking, or the RC's fault for not being able to comment. Vince Bellis responded that in his opinion it was because the RC "never reached a critical mass within the Council itself -- we never had the wide representation it would have taken -- we never had the controversial issues that would have focused on those sorts of things."

Jerry Coker, sitting in for the Roanoke River Basin Regional Council (RRBRC) Chairman, Jerry Holloman, reported that his RC met the week before in Winsdor and had one of their better meetings. There was discussion of forestry and the group developed and passed a resolution dealing with low river flow management of the Roanoke River. He said the concerns expressed by the RRBRC were more related to flow management on the river, the hydrolics of the river itself, and how those things affect water quality and habitat.

With respect to the demonstration projects being discussed by the RRBRC, Mr. Coker reported that the restoration of riverine habitat on the banks of the river upstream, a possible project dealing with buffers, and also the ag project (aeration of pasture land) being entertained by the TPRBRC, were of interest to his Council. Guy Stefanski added that there were "old abandoned ditches" on the Roanoke that were causing problems with flow, and the attention of the group was directed to them at the last meeting. He said aerial photos showed them clearly and that a project to plug them with some type of BMP was being considered.

Yates Barber, Vice Chairman of the Pasquotank River Basin Regional Council (PRBRC), reported on the activities within that Council. He stated that Jack Simoneau, the Planning Officer for Currituck Co., and Mike Doxey from the Currituck Soil & Water District, gave presentations dealing with open space design in planning and stormwater control, respectively. Mr. Barber also mentioned that attendance at meetings of the PRBRC is of concern. With regard to possible demonstration projects, the restoration of a fish ladder in Phelps Lake; some sort of a control structure on Bull Blvd. ditch on the NC Dismal Swamp state natural area; and a GIS effort by the Geo-Science Lab at Elizabeth City State University were mentioned.

Mike Wicker, USF&WS, mentioned that his agency would be willing to look at a Lake Phelps effort if the PRBRC chose to pursue that as a demonstration project. He added that they have had good success with fish passage in places like Lake Mattamuskeet where three new wooden gates have been installed and are working beautifully. He felt materials and engineering expertise could be offered to the project through his office.

The next agenda item was Guy Stefanski's introduction of Betsy Salter from EPA Headquarters in Washington, DC and Suzanne Orenstein from RESOLVE, an independent, not-for-profit organization specializing in environmental issues and matters of public policy. Ms. Orenstein told the group that she would be conducting a facilitated workshop, for the purpose of looking at the results of CCMP implementation, in June. She added, as an EPA contractor, she has done numerous workshops for the National Estuary Program (28 around the US and Puerto Rico) and

she looked forward to being in NC to assist with the APNEP.

Guy Stefanski then reported on the Memorandum of Agreement between the States of North Carolina and Virginia. He drew the attention of the group to the document (See Attachment D). He explained that he had solicited input from members of the Chowan, Pasquotank and Roanoke River Basin Regional Councils and that the document drew upon the language of the Chesapeake Bay Agreement which involves several states as signatories. Mr. Stefanski then asked that the Coordinating Council members use the worksheet included with the MOA to make any comments or include ideas that they felt may have been overlooked in the draft. He added that the State of Virginia was "moving right along with their end" and that we were seeing progress as well.

Discussion ensued with Cheryl Byrd making the recommendation that the document's objectives be left fairly general until the two states could sit down together and identify specific objectives, goals, and priorities. Yates Barber's suggestion was to develop and include a mechanism to specifically identify the problems Currituck has from "that blankety-blank ditch up there in Virginia." He felt this could be accomplished by having Virginia be a part of our study so they will have an understanding of it. He added that the ditch was a major problem in the area (Currituck Sound) because it not only lets salt water in during northeastern blows, but also allows a lot of fresh water to escape to the north during prolonged southerly winds, as is the case in the summer.

Brewster Brown made a motion to accept the draft Memorandum of Agreement as written with the amendment of adding the sentence "to develop specific objectives related to this agreement and to report on progress of these objectives at least once annually." The balance of the motion included permission for APNEP staff to proceed to work with the State of Virginia to implement the MOA as soon as possible. It was seconded by Cheryl Byrd. The motion carried. There followed some word smithing of document language and the suggestion of including a map with the MOA. Also, a "homework assignment" for the members, to develop MOA objectives, was made.

In Chairman Holman's absence, and at his request, Guy Stefanski continued with the meeting. He introduced Donna Moffitt, Division Director of the Division of Coastal Management (DCM), who spoke about the Coastal Resources Commission's (CRC) proposed changes to shoreline rules, the Coastal Shoreline Initiative. Ms. Moffitt reminded the group that this year was the 25th anniversary of the CAMA legislation.

She described the Coastal Shoreline Initiative as a program to help correct the problems being seen in the coastal areas: algal blooms; shellfish closures; fish kills; sediment plumes; etc. which prompted the CRC's decision to look at their current shoreline protection rules and also to look at the recommendations which came from the Governor's 1994 Coastal Futures Committee. It was determined that the CRC's current rules were inadequate to meet the pace and kind of development that is going on in the coastal regions. She said the challenge is to balance development while sustaining a viable economy (attributed to tourism) in NC's coastal areas. Lastly, she reported that there was a schedule available for the public hearings which will be held

in July in each of the 20 coastal counties. She recommended that interested persons contact the DCM for a listing of times and locations for those meetings.

The next speaker was Annette Lucas from the Division of Water Quality who gave an update on the Neuse Riparian Buffer Rules. (See Attachment E). Ms. Lucas described the reasons for having a buffer rule as: the NC General Assembly set a 30% N reduction goal in 1995 for the Neuse River; about 3/4 of N comes from nonpoint sources; and riparian buffers are highly effective at removing N from nonpoint sources (~80%).

She went on to say that the original intent of the rule was to protect the buffers we already had because if they were not protected progress toward the 30% reduction goal would not be attainable - in fact there could be back sliding. Ms. Lucas continued with the background of the buffer rule: who was involved in writing it; how the buffers work; what the issues were: what's a stream; what's a forest vegetation; what is the buffer width; delegation of the rule; mitigation; and allowable uses.

Ms. Lucas entertained questions at the conclusion of her presentation.

The next presentation was an update on the Tar-Pamlico Nutrient Control Strategy (See Attachment F) given by Rich Gannon of the Division of Water Quality. Mr. Gannon explained that the Tar-Pam nutrient control rule is part of the Tar-Pamlico Nutrient Sensitive Waters (NSW) strategy. He characterized the background issues which led to the Tar-Pam being identified as a NSW in 1989, and then reported on the recommendations made by the stakeholder teams (which were convened for providing input) on the different rule categories.

The next order of business was consideration of the resolution, drafted after the last CC meeting in River Bend, pertaining to the support of Drs. Paerl and Ramus' project entitled "*The Pamlico Sound Advanced Water Quality Assessment Program*." A motion to approve the resolution was made by Vince Bellis and seconded by Mike Wicker. The motion passed unanimously.

Joan Giordano, APNEP staff, reviewed the inaugural issue of the APNEP newsletter "*The Beacon*" and reminded the members to watch for it in the mail. The Beacon will be a quarterly publication and will serve a primary communication link between the Regional Councils, Coordinating Council and the public. Mrs. Giordano also reported the web-site address for the APNEP and urged the members to access it for information about the APNEP. The address is:

**<http://h2o.enr.state.nc.us/nep/default.htm>**

Mrs. Giordano also alerted the group to the Geographic Information Systems/Regional Council (GIS/RC) workshops being held around the region in late May and early June. She urged attendance by the members and asked that they also invite persons for whom they felt the workshops would be useful. She reinforced that the format of each of the workshops was being tailored to the Regional Council Program of Work corresponding to the workshop location.

The next agenda item was Guy Stefanski's re-introduction of Suzanne Orenstein from

RESOLVE. The option of holding this "strategic planning and taking stock meeting" on May 27th or June 4th was offered to the group. The group decision was made to hold the meeting on June 4th. Ms. Orenstein offered her e-mail address: (**suzoren@aol.com**) for ease in communicating with her any ideas members may have had for the workshop. The purpose of the workshop is to:

- 1.) what is the CCMP and what's in it.
- 2.) extent of CCMP implementation
- 3.) what has not been implemented
- 4.) strengths and weaknesses
- 5.) focus for next year and assist APNEP staff with '99-2000 workplan

Discussion ensued with suggestions of where to hold the meeting and who should be included in the workshop. The question of whether the Regional Councils would be invited was made. It was determined that 15 of the 29 Coordinating Council members were from the Regional Councils, and therefore would have sufficient representation. They, in turn, could communicate to their full councils the outcomes of the workshop. The discussion concluded with agreement that the location of the workshop should be Greenville, on June 4th, beginning at 10:00am. Mailings, with materials to prepare for the workshop were promised to the members.

**NOTE: THIS MEETING WAS CANCELLED FOR LACK OF PARTICIPATION, BUT IT IS INTENDED THAT IT WILL BE RESCHEDULED.**

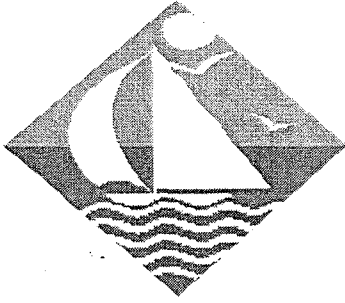
The last order of business was Guy Stefanski's description of EPA's Biennial Review. He explained that the EPA conducts a program assessment of the 28 NEPs every two years to determine how well they are doing in developing their CCMPs and, in the case of those programs whose CCMPs are already in place, how well they are being implemented. He reported that the Biennial Reviews are very in-depth and detailed, requiring extensive written information. He referenced a letter sent by EPA Headquarters in Washington, DC, to Chairman Holman, which talked about the Biennial Review of two years ago, the results of that, and also informed Chairman Holman of the substantial progress made by DENR and the NEP regarding CCMP implementation. The letter also spoke to the eligibility of the APNEP for '99-2000 funding. Fred McManus, EPA Region IV in Atlanta, added that he had sent copies of the letter to the APNEP Coordinating Council members.

There being no further business, the meeting was adjourned.

**The next Coordinating Council meeting is set for Friday, September 24th at a time and place to be determined.**







# Coordinating Council for the Albemarle-Pamlico National Estuary Program

April 23, 1999  
Raleigh, North Carolina

----- Attendees -----

1.	Guy Stofanski	APNEP	733-5083 ext. 585
2.	Joan Jordan	APNEP	(252) 946-6481 x269
3.	Fred McManus	USEPA	(404) 562-9385
4.	SILV RITCHIE	NRBRC	252 633-2396
5.	BILL GRIFFIN	CHowan R.C.	252- 794- 5317
6.	Brewster W. Brown	Chowan R.C.	252 358-7741
7.	Lee Wynns	Chowan R.C.	252-356-4387
8.	Frank McBride	NCWRC	919-733-3633 x283
9.	Betsy Salter	EPH-HQ	202/260-6466
10.	Suzanne Orenstein	RESOLVE	978/922-1841
11.	Mike Wicken	USFWS	919-856-4520 ext 22
12.	Ron Fascher	Corps of Engrs	910-251-4565
13.	Jerry Coker	Weigerhaenser	252-514-6613
14.	Cheryl Byrd	Dare Co.	252-255-0125
15.	Greg Hoppen	DWQ	919 733-5083
16.	Terry Nolan	City of Durham	919-560-4381
17.	Joe Holman	DENR	715-4142
18.	John Hart	N.C. FORESTRY COUNCIL	910-652-5061
19.	James Barber	Curr. Co.	252-338-3557
20.	David W. Engd	NOAA/NOS	252-728-8741
21.	Jane Havelley	ARCADIS Geraghty & Miller	919-782-5511 x. 264
22.	Lloyd GRIFFIN	PASQUOTANK BASIN /	252-335-1178
23.			
24.			
25.			
26.			



.C. State Budget, 1999-01: Summary of Recommendations  
 General Fund - Recommended Expansion and Adjustments - Continued  
 Other Adjustments - Continued

Recommended Adjustments - Continued

	<u>1999-00</u>	<u>2000-01</u>
<b>3. Vacant Position Reduction</b>		
The following positions which have been vacant for an extended period of time and are therefore recommended for abolishment.		
Department of Justice		
Appropriation	\$ (30,000)	\$ (30,000)
Total Number of Positions	(1.00)	(1.00)
Department of Agriculture and Consumer Services		
Appropriation	(72,190)	(72,190)
Total Number of Positions	(2.00)	(2.00)
Department of Labor		
Appropriation	(80,006)	(80,006)
Total Number of Positions	(2.00)	(2.00)
Department of Administration		
Appropriation	(46,864)	(46,864)
Total Number of Positions	(2.00)	(2.00)
Department of Environment and Natural Resources		
Appropriation	(252,969)	(252,969)
Total Number of Positions	(7.60)	(7.60)
Department of Health and Human Services		
Central Administration and Support		
Requirements	\$ (71,527)	\$ (71,527)
Receipts - Federal	(18,729)	(18,729)
Appropriation	\$ (52,798)	\$ (52,798)
Total Number of Positions	(2.05)	(2.05)
Division of Services for the Deaf & Hard of Hearing		
Appropriation	(169,728)	(169,728)
Total Number of Positions	(5.00)	(5.00)
Division of Public Health Services		
Appropriation	(185,558)	(185,558)
Total Number of Positions	(2.75)	(2.75)
Division of Social Services		
Requirements	\$ (144,770)	\$ (144,770)
Receipts - Federal	(130,294)	(130,294)
Appropriation	\$ (14,476)	\$ (14,476)
Total Number of Positions	(3.00)	(3.00)
Division of Services for the Blind		
Appropriation	(127,991)	(127,991)
Total Number of Positions	(3.75)	(3.75)

**N.C. State Budget, 1999-01: Summary of Recommendations  
General Fund - Recommended Expansion and Adjustments - Continued**

**Other Adjustments**

**Recommended Adjustments:**

	<u>1999-00</u>	<u>2000-01</u>
<b>1. Consolidated Mail Service</b>		
A cost reduction will occur through the consolidation of 26 mailrooms, located in the Raleigh/Wake County area, into one Consolidated Mail Service (CMS) under the management of the Department of Administration. These 26 mailrooms, along with 69 positions, are currently in the Governor's Cabinet departments, the Department of Community Colleges, and the Office of the State Controller. The cost reduction will occur primarily through the elimination of positions and reductions in postal cost. Estimated reduction to the General Fund budget is shown to the right.	\$ (1,000,000)	\$ (1,500,000)
<b>2. Debt Service - Principal and Interest</b>		
The 1999-01 continuation budget initially included debt service requirements based on currently issued general obligation debt along with projected debt to be issued under authorizations for Public School Building Bond Act of 1977 and The Clean Water and Natural Gas Critical Needs Bond Act of 1998. Subsequent to the development of the continuation budget, further analysis of debt requirements with the Department of the State Treasurer has determined that the general fund appropriations in the continuation budget may be reduced by \$141,150,000 in 1999-00 and \$82,130,950 in 2000-01. This is based on the most recent projection of needs for all bond authorizations in the 1999-01 biennium and incorporates earnings from investments, as well as repayments of loans made to local governments for infrastructure construction. The revised debt service appropriation needs are \$196.0 million and \$294.6 million for the 1999-00 and 2000-01 respectively.		
Requirements	\$ (90,150,000)	\$ (65,630,950)
Receipts	<u>51,000,000</u>	<u>16,500,000</u>
Appropriation	\$ (141,150,000)	\$ (82,130,950)



**N.C. State Budget, 1999-01: Summary of Recommendations**  
**General Fund - Recommended Expansion and Adjustments - Continued**  
**Environment and Natural Resources - Continued**

**Recommended Expansion - Continued:**

	<u>1999-00</u>	<u>2000-01</u>
<b>Regulatory Reform and Customer Service - Continued</b>		
for navigation, flood control, drainage, stream restoration, and beach protection, as well as the Wilmington Harbor Project. The request centralizes review of all franchised and chain food and lodging establishments' plans by the state, thereby increasing efficiency and removing the inconsistencies industries encounter in meeting individual-county plan review requirements.	\$ 1,347,238	\$ 1,622,135
Number of Positions	20.0	24.0

**5. Other Critical Needs**

These activities do not fall specifically in any of the categories outlined above. Recently, the Information Resources Management Commission (IRMC) approved a statewide electronic mail service for all state agencies and a portion of these funds will support the additional cost of the server.

\$ 73,200	\$ 73,200
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**Recommended Adjustments:**

**1. Forest Resources**

The reduction in equipment is in the aircraft line item. These funds were put into the budget to begin an annual schedule of replacement of the eight helicopters in the fleet that is utilized in the Division of Forest Resources for fire control. The division has always utilized federal surplus property helicopters from the military for this purpose. This source of property is not as readily available as it has been in the past, and replacement parts are becoming more and more difficult to get to keep the fleet operational. This will delay the replacement of the helicopters by one year.

<u>\$ (2,100,000)</u>	<u>\$ -</u>
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Total Change for the Department of Environment, and Natural Resources

Requirements	<u>\$ 12,363,463</u>	\$ 17,848,162
Receipts	<u>-</u>	<u>-</u>
Appropriation	\$ 12,363,463	\$ 17,848,162
Number of Positions	147.0	171.0

**N.C. State Budget, 1999-01: Summary of Recommendations**  
**General Fund - Recommended Expansion and Adjustments - Continued**  
**Environment and Natural Resources - Continued**

**Recommended Expansion - Continued:**

	<u>1999-00</u>	<u>2000-01</u>
<b>3. Environmental Education and Outreach</b>		
Environmental protection can be greatly enhanced by environmental awareness and public participation beginning with school children. This recommendation funds the Project Tomorrow Environmental Education Grants to ensure science-based environmental education materials are accessible to teachers and students and ZooLINC (Learning about Issues in Natural Resource Conservation) to help students gain a better understanding of the ways in which humans, other animals, plants, and the environment are interconnected. In addition, funds are recommended to support an increase in state parks' interpretive programs resulting from an increase in participation by the public of over 20%.	\$ 569,877	\$ 569,877
Number of Positions	6.0	6.0
<b>4. Regulatory Reform and Customer Service</b>		
The public wants an environmental regulatory system that is fair, straightforward, and easily understood. This recommendation contains funds to improve the provision of technical assistance and experiment with alternative regulatory approaches for the Coastal Area Management Act as well as to coordinate, support, test, measure, and help implement innovative approaches to environmental protection. In addition, it will implement a basic inventory of geological components in coastal counties to help document and prevent hurricane damage and shoreline erosion, implement the recent Brownfields legislation, and address imminent hazards presently affecting North Carolina citizens. It also provides funds to support local governmental projects		

**N.C. State Budget, 1999-01: Summary of Recommendations  
 General Fund - Recommended Expansion and Adjustments - Continued  
 Environment and Natural Resources - Continued**

**Recommended Expansion - Continued:**

	<u>1999-00</u>	<u>2000-01</u>
<b>Clean Water - Continued</b>		
<b>E. Improve Marine Fisheries Management - Continued</b>		
These plans will serve as a basis for coordination and implementation of rules by the Marine Fisheries Commission, the Coastal Resources Commission, and the Environmental Management Commission. This recommendation will also increase the ability of the division to provide necessary support for the Marine Fisheries Commission and the public.		
Number of Positions	\$ 1,559,968 19.0	\$ 2,113,637 29.0
<b>Total Clean Water Appropriation</b>		
Requirements	\$ 12,054,387	\$ 15,079,182
Receipts	-	-
Appropriation	<u>\$ 12,054,387</u>	<u>\$ 15,079,182</u>
Number of Clean Water Positions	113.0	131.0

**2. Natural Resources Stewardship**

North Carolina contains some of the most valuable, diverse, and unique areas in the country. In order to ensure long-term protection of these resources, this recommendation supports completing of natural area inventories, improving fire suppression capability, and monitoring environmental threats in our state parks. In addition, this recommendation includes management oversight for the 18,000 acres of wetland in Tyrell County (Buckridge Coastal Reserve) acquired by the State in 1998.

Number of Positions	\$ 418,761 8.0	\$ 503,768 10.0
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**N.C. State Budget, 1999-01: Summary of Recommendations**  
**General Fund - Recommended Expansion and Adjustments - Continued**  
**Environment and Natural Resources - Continued**

**Recommended Expansion - Continued:**

	<u>1999-00</u>	<u>2000-01</u>
<b>Clean Water – Continued</b>		
<b>D. Improve Compliance With Water Quality Laws</b>		
In order to improve compliance with water quality laws, a comprehensive, multi-divisional approach is required that provides training and technical assistance. This recommendation provides training for environmental health inspectors at the local level to conduct health inspections of restaurants, child care centers, nursing homes, and other facilities. It also establishes local programs with county health departments for safe wells, enhances the on-site wastewater program, and strengthens the state's program to eliminate straight piping in our rivers and streams. This recommendation also includes a proactive approach to improving water and air quality through technical assistance for wastewater treatment, solid waste landfills, pollution prevention, and hazardous waste compliance.		
Number of Positions	\$ 1,526,280 21.0	\$ 3,109,668 29.0

**E. Improve Marine Fisheries Management**  
 This recommendation will continue the fisheries management improvements established in The Fisheries Reform Act of 1997. In order to effectively manage fisheries in North Carolina, and to play an active role at the federal level, fishery management plans must be completed for all economically important species of fish and shellfish. The Fisheries Reform Act also requires that the department develop coastal habitat protection plans by July 1, 2003.

**N.C. State Budget, 1999-01: Summary of Recommendations  
 General Fund - Recommended Expansion and Adjustments - Continued  
 Environment and Natural Resources - Continued**

**Recommended Expansion - Continued:**

	<u>1999-00</u>	<u>2000-01</u>
<b>Clean Water - Continued</b>		
<b>C. Reduce Nonpoint Pollution (Urban and Agricultural)</b>		
Restoration plans have been developed for each river basin in the state. In order to reduce nonpoint pollution, funding in this recommendation will address both urban and agricultural runoff. Efforts toward this end will include: enhanced capabilities of monitoring projects requiring erosion and sedimentation control; incentives for local government involvement in sediment control; defining aquifers and their characteristics to protect sources of groundwater in the state; enforcing the newly initiated Riparian Buffer Rules and stricter 401 Wetland Certification restoration requirements; and continuing staffing which is funded to June 30, 1999, by the Clean Water Management Trust Fund for enrollment acreage for the Conservation Reserve Enhancement Program (CREP). The U. S. Department of Agriculture has committed \$221 million over the next 17 years, and a 20% match will be provided by the Clean Water Management Trust Fund. A recommendation of \$1.1 million will also continue the Wetlands Restoration Program established by the 1996 General Assembly.		
Number of Positions	\$4,075,671 38.0	\$ 5,209,671 38.0

N.C. State Budget, 1999-01: Summary of Recommendations  
 General Fund - Recommended Expansion and Adjustments - Continued  
 Environment and Natural Resources - Continued

Recommended Expansion - Continued:

	<u>1999-00</u>	<u>2000-01</u>
<b>Clean Water – Continued</b>		
<b>B. Monitoring and Research</b>		
There are over 37,000 miles of rivers and streams in North Carolina. These waters are assessed by the Divisions of Water Quality and Water Resources to determine their quantity and quality. It is essential that they be monitored to be sure they maintain their classification for use. To gain the maximum efficiency for this monitoring activity, automated samplers will be installed at strategic locations to provide critical information on temperature, dissolved oxygen, salinity, and tidal flow at both surface and bottom waters. These measurements are transmitted via satellite to the United States Geological survey for retrieval by the department. Rivers, streams, and coastal waters all need to be monitored to assure the public they are safe and may be used for recreational purposes.		
Number of Positions	\$ 2,082,528 18.0	\$ 2,082,528 18.0

N. C. State Budget 1999-01: Summary of Recommendations  
 General Fund - Recommended Expansion and Adjustments - Continued

Department of Environment and Natural Resources

Recommended Expansion:

	<u>1999-00</u>	<u>2000-01</u>
1. Clean Water		
A. River Basin Management		
North Carolina's clean water strategy is built around river basin plans. The resources provided by this recommendation will allow the department to prepare water quantity and supply information about each river basin. In addition, various databases for river basin management have been developed over years. These databases are often free-standing and not connected to each other. A unified database for the 17 river basins within the department would improve timely and consistent responses to the legislature and public, and allow for more coordination in problem solving and decision making among the department's divisions. Areas impacted by database management include, but are not limited to, marine fisheries, zoo, parks as well as regulatory and technical assistance issues in the Division of Water Quality. The funds recommended would also improve the analytical capabilities of the department to provide technical services for counties, municipalities, and advisory groups across the state.	\$ 2,809,940	\$ 2,563,678
Number of Positions	17.0	17.0

Department of Environment and Natural Resources

				1999-2000 Items			2000-2001 Items				
	Division	Fund	Short Title	Pos.	Recur	Non-Recur	Total Appr.	Pos.	Recur	Non-Recur	Total Appr.
I	CLEAN WATER										
A	RIVER BASIN MANAGEMENT										
1	SUMMARY DATA BASE MANAGEMENT INITIATIVES										
a	'Admin.	1140	'Data Management Initiative	1	243,464	222,141	465,605	1	243,464	749,551	993,015
b	'Marine Fish.	1315	'Information Technology Initiative	1	310,960	750,000	1,060,960	1	310,960	462,000	772,960
c	'ZOO	1305	'ITS Operations Support	1	44,253	0	44,253	1	44,253		44,253
d	'Rad. Prot.	1755	Management Infrastructure Improvements	2	65,929		65,929	2	84,084		84,084
2	SUMMARY INFRASTRUCTURE AND DATA MGMT. INITIATIVES										
a	'DWQ	1630/1140	'State Infrastructure Council /Water/Sewer Database	2	247,215	373,347	620,562	2	247,215		247,215
b	'DWQ	1690	'Data Management Initiative	0	1,136,000	0	1,136,000	0	853,000	283,000	1,136,000
3	Soil & Water	1310	Soil & Water Basin Positions	1	70,000		70,000	1	70,000		70,000
4	Water Resources	1620	Intergrated Water Resources Management	5	413,450	10,192	423,642	5	413,450		413,450
5	'Admin.	1140	'Department GIS Coordination Initiative	4	278,669	25,840	304,509	4	297,252	15,000	312,252
	SUBTOTAL			17	2,809,940	1,381,520	4,191,460	17	2,563,670	1,509,551	4,073,229
B	MONITORING and RESEARCH										
1	Env. Health	1495	Recreational Water Quality Monitoring Expansion	6	516,151	15,000	531,151	6	516,151		516,151
2	Water Res	1620	Rivers Assessment and Outreach	3	155,877	9,000	164,877	3	155,877		155,877
3	DWQ	1690	Monitoring Enhancement	9	1,410,500	979,000	2,389,500	9	1,410,500		1,410,500
	SUBTOTAL			18	2,082,528	1,003,000	3,085,528	18	2,082,528	0	2,082,528
C	REDUCE NONPOINT (URBAN AND AGRICULTURAL RUNOFF) POLLUTION										
1	Soil & Water	1310	District Matching Funds	0	200,000	0	200,000	0	200,000	0	200,000
2	Soil & Water	1310	Conservation Reserve Enhancement Program (CREP)	4	353,044	153,000	506,044	4	353,044	0	353,044
3	SUMMARY Wellands Restoration										
a	'DWQ	1630	'Wellands Restoration Program Assistance	1	114,075	500	114,575	1	114,075		114,075
b	'DWQ	1630	'Wellands/Buffer Restoration	0	1,000,000		1,000,000	0	2,000,000		2,000,000
4	'Coastal Mgmt	1625	'Coastal Management Representatives	4	342,669	16,032	358,701	4	342,669		342,669
5	Land Res.	1740	Sediment Control Plan of Action	15	1,010,396	191,716	1,202,112	15	1,010,396		1,010,396
6	Soil & Water	1310	Soil & Water District Supervisor's Travel	0	150,000	0	150,000	0	150,000	0	150,000
7	DWQ	1690	Protect Buffers and Wellands	6	339,467	46,000	385,467	6	339,467	0	339,467
8	DWQ	1655	Groundwater Protection	8	566,020	22,000	588,020	8	700,020		700,020
	SUBTOTAL			38	4,075,671	429,240	4,504,919	38	5,209,671	0	5,209,671

Department of Environment and Natural Resources

Division	Fund	Short Title	Pos.	1999-2000 Items			2000-2001 Items			Total Appr.	
				Recur	Non-Recur	Total Appr.	Pos.	Recur	Non-Recur		
<b>D IMPROVE COMPLIANCE WITH WATER QUALITY LAWS</b>											
1	Env. Health	1475	Training-Environmental Health Specialists	0	100,000	0	100,000	0	100,000	0	100,000
2	Env. Health	1490	Safe Wells	0				8	1,538,193	42,000	1,580,193
3	Env. Health	1500	On-Site Wastewater Expansion	4	362,283	31,268	393,551	4	362,283		362,283
4	Env. Health	1500	Straight Pipe Elimination	2	145,399	12,000	157,399	2	145,399		145,399
5	DPPEA	1615	Pollution Prevention Tech.I Assist. to Priority Sectors	4	252,935	7,065	260,000	4	252,935		252,935
6	Coastal Mgmt	1625	Coastal Management Local Permit Program Manager	1	59,053	11,108	70,161	1	59,053		59,053
7	DWQ	1690	Evaluation of Economic Impact of Env.I Prog.	1	62,876	2,366	65,242	1	62,876		62,876
8	DWQ	1690	Increase Compliance - Restore Water Quality	6	378,929	24,710	403,639	6	378,929		378,929
9	Waste Mgmt.	1760	Solid Waste Landfills	2	110,205		110,205	2	140,000		140,000
10	Waste Mgmt.	1760	Hazardous Waste Compliance	1	54,600		54,600	1	70,000		70,000
SUBTOTAL				21	1,526,200	88,517	1,614,797	29	3,109,660	42,000	3,151,660
<b>E IMPROVE MARINE FISHERIES MANAGEMENT</b>											
1	Marine Fish.	1315	Enhance Maintenance Section	3	195,058	17,250	212,308	3	195,058		195,058
2	Marine Fish.	1315	Administrative Support	3	114,451	14,500	128,951	3	114,451		114,451
3	Marine Fish.	1320	Fishery Management Plan Program	5	672,995		672,995	15	1,226,664		1,226,664
4	Marine Fish.	1320	Coastal Fisheries Habitat	6	359,988	85,800	445,788	6	359,988		359,988
5	Marine Fish.	1315	Marine Fisheries Commission Staff and Operations	2	217,476	19,000	236,476	2	217,476		217,476
SUBTOTAL				19	1,559,968	136,550	1,696,518	29	2,113,637	0	2,113,637
TOTAL CLEAN WATER				113	12,054,387	3,030,835	15,093,222	131	15,079,182	1,551,551	16,630,733
<b>II NATURAL RESOURCE STEWARDSHIP</b>											
1	Forestry	1210	Increase Fire Suppression Capability	2	95,417	259,121	354,538	2	95,417		95,417
2	Parks	1280	State Park Natural Resources Protection & Planning	2	99,369		99,369	2	102,548		102,548
3	Parks	1295	Improve our Natural Heritage Program	2	99,370		99,370	2	102,548		102,548
4	Coastal Mgmt	1625	Land Use Planning Coordination and Outreach	1	76,179		76,179	3	154,829	10,000	164,829
5	Coastal Mgmt	1625	Buckridge Site Manager	1	48,426	11,036	59,462	1	48,426		48,426
SUBTOTAL				8	410,761	270,157	680,918	10	503,768	10,000	513,768

Department of Environment and Natural Resources

	Division	Fund	Short Title	Pos.	1999-2000 Items			2000-2001 Items				
					Recur	Non-Recur	Total Appr.	Pos.	Recur	Non-Recur	Total Appr.	
III	ENVIRONMENTAL EDUCATION/OUTREACH											
1	Env. Ed.	1120	Env. Ed. Library Grants- Project Tomorrow	1	350,000		350,000	1	350,000			350,000
2	SUMMARY		ZOO									
a	'Zoo	1305	'ZooLINC Educator	1	31,328	2,000	33,328	1	31,328			31,328
b	'Zoo	1305	Graphics Technician	1	30,491	2,250	32,741	1	30,491			30,491
3	Parks	1280	Environmental Education and Safety	3	158,058	8,924	166,982	3	158,058			158,058
			SUBTOTAL	6	569,877	13,174	583,051	6	569,877	0		569,877
IV	REGULATORY REFORM AND CUSTOMER SERVICE											
1	SUMMARY											
a	'Coastal Mgmt	1625	Regulatory Reinvention of CAMA	0			0	0		60,000		60,000
b	'Coastal Mgmt	1625	CAMA Compliance Technical Assistance Specialist	1	53,653	4,008	57,661	1	53,653			53,653
2	SUMMARY		COASTAL EROSION INITIATIVES									
a	Water Resources	1620	Water Res. Devel. and Beach Erosion Response	3	159,063	14,500	173,563	3	159,063			159,063
b	Coastal Mgmt	1625	Beach Nourishment/Hazard Areas Acquisition Program	2	103,370	4,178	107,548	2	103,370			103,370
c	Land Res.	1735	Environmental Geologic Atlas for N.C. Coast	3	318,282	307	318,589	3	318,896			318,896
d	Coastal Mgmt	1625	Environmental Geologic Atlas for N. C. Coast	0	25,443		25,443	0	25,500			25,500
3	Adm./ BPA	1140	Regulatory and Resource Reinvention	3	184,394	5,606	190,000	3	184,394			184,394
4	Waste Mgmt.	1760	Solid Waste File Room	1	50,000		50,000	1	50,000			50,000
5	Waste Mgmt.	1760	Brownfields Initiative	3	215,774		215,774	7	490,000			490,000
6	Env. Health	1475	Plan Review Efficiency	4	237,259		237,259	4	237,259			237,259
			SUBTOTAL	20	1,347,230	20,599	1,375,837	24	1,622,135	60,000		1,682,135
V	Other Critical Needs											
1	DENR	1140	Electronic Mail Initiative	0	73,200	130,300	203,500	0	73,200			73,200
2	Coastal Mgmt	1625	Shoreline Change Photography/Hurricane Response	0		306,000	306,000	0				0
			SUBTOTAL	0	73,200	436,300	509,500	0	73,200	0		73,200
			DEPARTMENT TOTAL	147	14,463,463	3,707,005	18,170,468	171	17,040,162	1,621,551		19,469,713







State of North Carolina  
Office of the Governor

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For Release: IMMEDIATE  
Date: April 7, 1999

Contact: Tad Boggs  
Phone: (919) 733-5612

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**GOV. HUNT ANNOUNCES OZONE-REDUCTION PLAN TO INCREASE AIR QUALITY**

ASHEVILLE-- Gov. Jim Hunt today committed his Administration to improving air quality across North Carolina with the announcement of a seven-point plan to fight ozone pollution and protect public health, jobs and the environment.

Hunt revealed the air-quality package at the first Summit on Mountain Air Quality in Asheville. The conference brought together more than 250 participants from more than a dozen states to seek solutions to air pollution in the multi-state mountain region.

"Our plan is focused on vehicle emissions, because they are our biggest problem," Hunt said. "But it also includes industrial emissions, because all elements of the problem need to be addressed."

The Hunt Administration package would target reductions in nitrogen oxide (NOx) emissions from vehicles and industry and would move the state ahead of federal timetables for ozone reduction. Ozone pollution is the most serious and widespread air-quality problem in the state. The pollutant, a lung irritant which also harms plants and crops, is formed when NOx is heated in the atmosphere during summer months and reacts with hydrocarbons.

"When our climate heats up and ozone is created, our public's health is put at risk," Hunt said. "We're not just talking about the elderly and children and people with respiratory problems, but healthy exercising adults and people who work outdoors."

The plan includes:

- Vehicle emissions inspections. Current emissions testing would be expanded to more counties and would include NOx monitoring.
- Requiring that only low-sulfur gas be sold in the state. Low-sulfur gas improves the performance of pollution-control equipment on cars.
- Tax incentives for alternative fuel vehicles (AFVs) that use electricity, natural gas and other clean fuels. The state already has purchased more than 300 AFVs for its motor fleet.

(more)

- Funding increases for mass transit and rail projects. Hunt proposed more than \$56 million in state spending over the next two years for improvements on existing rail routes, local and regional transit planning and support and environmental-impact studies on high-speed rail.
- Further expansion of the state Air Awareness/Ozone Action program. The program educates and informs the public about air pollution, its causes and effects and steps businesses and individuals can take to reduce it. Last week, the program expanded into five mountain counties.
- Rule changes that would require the state's five largest power plants to reduce emissions by two-thirds in the next four years. Targeted plants include Duke Power facilities in Stokes, Catawba and Gaston counties and two Carolina Power & Light facilities in Person County.
- An incentives program to encourage companies to reduce pollutants ahead of schedule -- cleaning the air faster. The program may allow companies to "bank" emissions credits and sell them to new or expanding businesses.

The Hunt Administration plan emphasizes vehicle emissions because of their ill effects on air quality in North Carolina. State monitoring indicates that half of the ozone produced in the state -- and as much as 90 percent in urban areas -- results from vehicles.

"This plan will allow us to meet federal pollution guidelines faster than the federal government's solutions for our air-quality problems," said Hunt. "Our plan also protects the health of our people in our cities better than the Environmental Protection Agency's remedies, and allows critical economic development to continue in our state. It's a balanced, comprehensive plan to improve our air quality."

NORTH CAROLINA DEPARTMENT OF  
ENVIRONMENT AND NATURAL RESOURCES



March 29, 1999

JAMES B. HUNT JR.  
GOVERNOR

TO: Clean Air Stakeholders

FROM: Bill Holman

Alan Klimek

WAYNE McDEVITT  
SECRETARY

RE: Draft Clean Air Package

Attached for your review and comment is an initial draft bill implementing elements of Governor Jim Hunt's clean air package. Governor Hunt will publicly announce his package soon.

You'll find draft provisions to authorize the Environmental Management Commission: 1) to expand the motor vehicle inspection/maintenance program to additional counties and to diesel powered vehicles, 2) to enhance the I/M program to require tailpipe testing for emissions of nitrogen oxides (NOx), 3) to analyze data collected by on-board diagnostic equipment, 4) to require the sale of low-sulfur fuel, and 5) to provide incentives for voluntary reductions.

Governor Hunt's budget recommends appropriating an additional \$25 million in fiscal year 1999-00 and \$31 million in fiscal year 2000-01 to implement his Transit 2001 program. Transit 2001 increases urban and rural transit service, establishes regional transit systems in the Charlotte, Triangle and Triad areas, develops high-speed passenger railroad service between Raleigh and Charlotte, and expands passenger rail service to Western and Eastern North Carolina.

DENR, DOT and Commerce are also working on provisions: 1) to provide incentives for the purchase of alternative fueled vehicles, 2) to expand use of alternative fueled vehicles by state government, 3) to fund expansion of the ozone awareness educational program, and 4) to provide transportation incentives for local land use planning.

We hope to present the draft bill to the members of the House Committee on Environment and Natural Resources and the Senate Committee on Agriculture, Environment and Natural Resources and begin a stakeholder process soon.

We welcome your written and oral comments on the draft bill and other suggestions to improve air quality.

cc: Janet D'Ignazio, Department of Transportation  
Leza Aycock, Department of Commerce  
Kevin Cook, Office of the Governor



March 31, 1999

AN ACT TO AUGMENT THE ENVIRONMENTAL MANAGEMENT COMMISSION'S  
AUTHORITY TO REDUCE MOBILE SOURCE EMISSIONS OF AIR POLLUTANTS AND  
TO ENCOURAGE COST-EFFECTIVE REDUCTIONS IN AIR CONTAMINANTS

Title: This Act shall be entitled the 1999 Air Quality Improvement Act

1       **I.       Expanded Vehicle Emissions Inspections**

2               Section One: G.S. 20-128.2 entitled "Motor vehicle emission standards" is amended to  
3 read as follows:

4       § 20-128.2. Motor vehicle emission standards.

5       Statute text

6       (a) The rules and regulations promulgated pursuant to GS 143-215.107(a)(6) shall be  
7 implemented when the Environmental Management Commission certifies to the Commissioner  
8 of Motor Vehicles that the ambient air quality in an area will be improved by the implementation  
9 of a motor vehicle inspection/maintenance program within a specified county or group of  
10 counties, ~~as necessary to effect attainment or preclude violations of the National Ambient Air~~  
11 ~~Quality Standards for carbon monoxide or ozone;~~ provided the Environmental Management  
12 Commission may prescribe different vehicle emission limits for different areas as may be  
13 necessary and appropriate to meet the stated purposes of this section.

14       (b) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 754, s. 5, effective October 1, 1994.

15               Section Two: G.S. § 20-183.2, entitled "Description of vehicles subject to safety or  
16 emissions inspection; definitions." is amended to read as follows:

17       § 20-183.2. Description of vehicles subject to safety or emissions inspection; definitions.

18       (a) Safety. - A motor vehicle is subject to a safety inspection in accordance with this Part if it  
19 meets all of the following requirements:

20       (1) It is subject to registration with the Division under Article 3 of this Chapter.

21       (2) It is not subject to inspection under 49 C.F.R. Part 396, the federal Motor Carrier Safety  
22 Regulations.

23       (3) It is not a trailer whose gross weight is less than 4,000 pounds or a house trailer.

24       (b) Emissions. - A motor vehicle is subject to an emissions inspection in accordance with this  
25 Part if it meets all of the following requirements:

26       (1) It is subject to registration with the Division under Article 3 of this Chapter.

27       (2) It is not a trailer whose gross weight is less than 4,000 pounds, a house trailer, or a  
28 motorcycle.

29       (3) It is a 1975 or later model.

30       (4) ~~It is powered or designed so that it could be powered by gasoline.~~ It is subject to an  
31 emissions inspection pursuant to rules adopted by the Environmental Management Commission.  
32

1 (5) It meets any of the following descriptions:

2 a. It is required to be registered in an emissions county.

3 b. It is part of a fleet that is operated primarily in an emissions county.

4 c. It is offered for rent in an emissions county.

5 d. It is a used vehicle offered for sale by a dealer in an emissions county.

6 e. It is operated on a federal installation located in an emissions county and it is not a tactical  
7 military vehicle. Vehicles operated on a federal installation include those that are owned or  
8 leased by employees of the installation and are used to commute to the installation and those  
9 owned or operated by the federal agency that conducts business at the installation.

10 f. It is otherwise required by 40 C.F.R. Part 51 to be subject to an emissions inspection.

11 (c) Definitions. - The following definitions apply in this Part:

12 (1) Emissions county. - ~~A county in which the State either is required by federal law to conduct~~  
13 ~~emissions testing or has agreed in its State Implementation Plan submitted to the federal~~  
14 ~~Environmental Protection Agency to conduct emissions testing. The State~~ A county designated  
15 by the Environmental Management Commission establishes the emissions counties pursuant to  
16 rules adopted under G.S. 143-215.107(a)(6) and certified to the Commissioner of Motor Vehicles  
17 as a county within which the ambient air quality will be improved by the implementation of a  
18 motor vehicle inspection/maintenance program.

19 (2) Federal installation. - An installation that is owned by, leased to, or otherwise regularly used  
20 as the place of business of a federal agency.

21 Section Three: G.S. § 20-183.3, entitled "Scope of safety inspection and emissions  
22 inspection" is amended to read as follows:

23 § 20-183.3. Scope of safety inspection and emissions inspection.

24 (a) Safety. - A safety inspection of a motor vehicle consists of an inspection of the following  
25 equipment to determine if the vehicle has the equipment required by Part 9 of Article 3 of this  
26 Chapter and if the equipment is in a safe operating condition:

27 (1) Brakes, as required by G.S. 20-124.

28 (2) Lights, as required by G.S. 20-129 or G.S. 20-129.1.

29 (3) Horn, as required by G.S. 20-125(a).

30 (4) Steering mechanism, as required by G.S. 20-123.1.

31 (5) Windows and windshield wipers, as required by G.S. 20-127. To determine if a vehicle  
32 window meets the window tinting restrictions, a safety inspection mechanic must first determine,  
33 based on use of an automotive film check card or knowledge of window tinting techniques, if  
34 after-factory tint has been applied to the window. If after-factory tint has been applied, the  
35 mechanic must use a light meter approved by the Commissioner to determine if the window  
36 meets the window tinting restrictions.

37 (6) Directional signals, as required by G.S. 20-125.1.

38 (7) Tires, as required by G.S. 20-122.1.

39 (8) Mirrors, as required by G.S. 20-126.

40 (9) Exhaust system, as required by G.S. 20-128. For a vehicle that is subject to an emissions

1 inspection in addition to a safety inspection, a visual inspection of the vehicle's emission-control  
2 devices is included in the emissions inspection rather than the safety inspection.

3 (b) Emissions. - An emissions inspection of a motor vehicle consists of a visual inspection of the  
4 vehicle's emission control devices to determine if the devices are present, are properly connected,  
5 and are the correct type for the vehicle; and an analysis of the exhaust emissions of the vehicle to  
6 determine if the exhaust emissions meet the standards for the model year of the vehicle set by the  
7 Environmental Management Commission. To pass an emissions inspection a vehicle must pass  
8 both the visual inspection and the exhaust emissions analysis. When an emissions inspection is  
9 performed on a vehicle, a safety inspection must be performed on the vehicle as well. If the  
10 Environmental Management Commission adopts rules requiring analysis of data collected by on-  
11 board diagnostic equipment for the model year of the vehicle, an emissions inspection must  
12 include inspection of data collected by on-board diagnostic equipment. If the Environmental  
13 Management Commission adopts rules requiring analysis of data collected by on-board  
14 diagnostic equipment for the model year of the vehicle instead of an exhaust emissions analysis,  
15 an emissions inspection will not include exhaust emissions analysis.

16 (c) Reinspection After Failure. - The scope of a reinspection of a vehicle that has been repaired  
17 after failing an inspection is the same as the original inspection unless the vehicle is presented for  
18 reinspection within 30 days of failing the original inspection. If the vehicle is presented for  
19 reinspection within this time limit and the inspection the vehicle failed was a safety inspection,  
20 the reinspection is limited to an inspection of the equipment that failed the original inspection. If  
21 the vehicle is presented for reinspection within this time limit and the inspection the vehicle  
22 failed was an emissions inspection, the reinspection is limited to the portion of the inspection the  
23 vehicle failed and any other portion of the inspection that would be affected by repairs made to  
24 correct the failure.

25 Section Four: G.S. 143-215.107(a)(6) is amended to read as follows:

26 (6) To adopt, when necessary and practicable, a program for testing emissions from motor  
27 vehicles and to adopt motor vehicle emission standards. Said emissions testing may include an  
28 analysis of data collected by on-board diagnostic equipment. in compliance with applicable  
29 federal regulations

30  
31 **II. Low Sulfur Fuel**

32 Section Five: G.S. § 119-26.1, entitled "Oxygen content standards and reformulated  
33 gasoline" is amended to read as follows:

34 § 119-26.1. Oxygen and sulfur content standards and reformulated gasoline.

35 (a) Rules adopted pursuant to G.S. 143-215.107(a)(9) to regulate the oxygen and sulfur content  
36 of gasoline or to require the use of reformulated gasoline shall be implemented by the  
37 Department of Agriculture and Consumer Services and the Gasoline and Oil Inspection Board.  
38 Such rules shall be implemented within any area specified by the Environmental Management

1 Commission when the Commission certifies to the Commissioner of Agriculture that  
2 implementation:

3 (1) Will improve the ambient air quality within the specified county or counties;

4 (2) Is necessary to achieve attainment or preclude violations of the National Ambient Air Quality  
5 Standards; or

6 (3) Is otherwise necessary to meet federal requirements.

7 (b) The Department of Agriculture and Consumer Services and the Gasoline and Oil Inspection  
8 Board may adopt rules to implement this section. Rules shall be consistent with the  
9 implementation schedule and rules adopted by the Environmental Management Commission.

10 (c) The Commissioner of Agriculture may assess and collect civil penalties for violations of  
11 rules adopted under G.S. 143-215.107(a)(9) or this section in accordance with G.S. 143-  
12 215.114A. The Commissioner of Agriculture may institute a civil action for injunctive relief to  
13 restrain, abate, or prevent a violation or threatened violation of rules adopted under G.S. 143-  
14 215.107(a)(9) or this section in accordance with G.S. 143-215.114C. The assessment of a civil  
15 penalty under this section and G.S. 143-215.114A or institution of a civil action under G.S. 143-  
16 215.114C and this section shall not relieve any person from any other penalty or remedy  
17 authorized under this Article.

18 (d) The Commissioner of Agriculture may delegate his powers and duties under this subsection  
19 to the Director of the Standards Division of the Department of Agriculture and Consumer  
20 Services.

21 Section Six G.S. § 143-215.107 (a)(9) is amended to read as follows:

22 (9) To regulate the oxygen and sulfur content of gasoline, to require use of reformulated gasoline  
23 as the Commission determines necessary, to implement the requirements of Title II and  
24 implementing regulations adopted by the United States Environmental Protection Agency, and to  
25 develop standards and plans to implement this subdivision. Rules adopted under this subdivision  
26 may specify standards for a particular area of the State that differ from standards specified for  
27 other areas as may be necessary to improve ambient air quality within a particular area, achieve  
28 attainment or preclude violations of the National Ambient Air Quality Standards, or to meet  
29 other federal requirements. Rules may authorize the use of marketable oxygen credits for  
30 gasoline as provided in federal requirements.

31 **III. Incentives for early reductions in contaminants**

32 Section Seven: G.S. 143-215.107 is amended by adding a new subsection (a)(12) to read  
33 as follows:

34  
35 (12) To develop and adopt standards and plans to implement a program of incentives  
36 for voluntary reduction in emissions of air contaminants.



1 **IV. Implementation of this Act**

2 Section Eight: This act constitutes a recent act of the General Assembly within the  
3 meaning of G.S. 150B- 21.1. Every agency to which this act applies is authorized to adopt rules  
4 to implement the provisions of this act may adopt temporary rules to implement the provisions  
5 of this act. This section shall continue in effect until all rules necessary to implement the  
6 provisions of this act have become effective as either temporary rules or permanent rules.

7 Section Nine: This Act becomes effective upon ratification.

8 [Section on certification of tank truck inspection stations to be added]



DRAFT  
4-13-99

RESOLUTION

RECOMMENDATION THAT AN ENVIRONMENTAL IMPACT STATEMENT  
BE CONDUCTED REGARDING THE PROPOSED NUCOR FACILITY  
LOCATED ON THE CHOWAN RIVER

WHEREAS, the Chowan River Basin Regional Council was created by Governor Hunt's Executive Order No. 75 to advise agencies responsible for environmental management on concerns and issues relative to the Chowan River Basin; and

WHEREAS, the Chowan River was the first waterbody in North Carolina to be designated as Nutrient Sensitive Waters (NSW) in 1979 because of the occurrence of nuisance algal blooms; and

WHEREAS, the water quality conditions in the Chowan River Basin have improved during the past 20 years due to the enormous effort by industry, municipalities, agriculture, forestry, scientists, environmental groups, government agencies and citizens of the Chowan River Basin; and

WHEREAS, Nucor, a steel industrial company, intends to construct and operate a steel recycling facility on the banks of the Chowan River; and

WHEREAS, it is our belief that review of the environmental impact analysis has been compartmentalized, and that total impact has not been adequately addressed, and a finding of "no significant impact" at this time cannot be justified; and

WHEREAS, it is our opinion that the information and conclusions presented in the Environmental Assessment (EA) and final supplement is not supported with an adequate level of scientific documentation; and

WHEREAS, we believe that the construction and operation of the Nucor facility, as currently proposed, would lead to significant deterioration of the fishery resource and aquatic habitats, would seriously affect the traditional recreational uses of the river, and generally threaten the overall economic sustainability of the resource; and

NOW, THEREFORE, IT IS RESOLVED that based on discussions developed from the review of various documents regarding the status of the Nucor permit applications, members of the Chowan River Basin Regional Council strongly recommend to the Coordinating Council that all requests for final permits for the proposed Nucor facility be held in abeyance and all construction activities cease until an environmental document is completed that adequately discusses and mitigates the potential direct and indirect threats to the Chowan River.

At this time, an Environmental Impact Statement (EIS) is the only document that will address the total current and future impacts of this industry on the Chowan River from an environmental and economical standpoint.

Adopted, this \_\_\_\_ day of \_\_\_\_\_, 1999.

\_\_\_\_\_  
Brewster Brown, Vice-Chairman  
Chowan River Basin Regional Council

\_\_\_\_\_  
Nan Laughton, Secretary  
Chowan River Basin Regional Council



**DRAFT**

4-21-99

**Memorandum of Agreement  
Between  
North Carolina Department of Environment and Natural Resources  
and  
Virginia Department of Conservation and Recreation**

**Purpose**

This Memorandum of Agreement (MOA) provides for enhanced coordination and cooperation between the North Carolina Department of Environment and Natural Resources (NCDENR) and the Virginia Department of Conservation and Recreation (VADCR), as partners in the Albemarle-Pamlico Sounds National Estuary Program (APNEP). The APNEP, through its Coordinating Council, is a consortium of organizations, including federal, state, local governments, non-profit institutions, private industry, academia, and private citizens, dedicated to the restoration and protection of the Albemarle-Pamlico estuarine ecosystem. This MOA is established to encourage coordination and cooperation between the NCDENR and VADCR and to heighten awareness of each agency's programs regarding the goals and objectives of the APNEP's Comprehensive Conservation and Management Plan (CCMP) with the objective of improving environmental conditions in the Albemarle-Pamlico Sounds watershed.

**Background**

The Albemarle-Pamlico Sounds are the nation's second largest estuarine system, second only to the Chesapeake Bay. The system supports an array of ecological, economic, recreational, and aesthetic functions which are of regional and national importance. The critical importance of sustaining the system, to fulfill these functions, is reflected through its nomination to the National Estuary Program by the Governor of North Carolina and the Administrator of the US Environmental Protection Agency (USEPA).

In 1987, through a cooperative agreement between NCDENR and the USEPA, the Albemarle-Pamlico Estuarine Study (APES) was created to study the environmental conditions in over 23,000 square miles of watershed in North Carolina and Virginia. Through APES, scientific information was combined with extraordinary involvement by government agencies, stakeholder groups and citizens to develop a CCMP. This document, which proposes management strategies designed to protect the region's natural resources and allow for responsible economic growth, was officially endorsed by the Governor of North Carolina and the USEPA in November 1994.

APES has been renamed and is now referred to as the Albemarle-Pamlico Sounds National Estuary Program (APNEP). The APNEP is located within the NCDENR and many of the CCMP's management strategies are being implemented in the Albemarle-Pamlico Sounds region of North Carolina. Implementation of the CCMP is guided by the Coordinating Council -- a 29-member council consisting of representatives from state and federal government, citizen commissions, and stakeholder groups represented through five river basin Regional Councils.

## **Authority**

This MOA is entered into pursuant to North Carolina Executive Order No. 75 (amended as No. 118) and the CCMP for the Albemarle-Pamlico Sounds National Estuary Program. Authority is further pursuant to the Virginia Water Quality Improvement Act (WQIP), §10.1-2124B.

## **Agreement**

The NCDENR and the VADCR will work together to implement the management actions recommended by the CCMP of the APNEP in order to restore and maintain the chemical, physical and biological integrity of the Albemarle-Pamlico Sounds estuarine system and to achieve the specific goals and objectives as described in the CCMP.

Specifically, the NCDENR and VADCR agree to the following:

Share current data and technology on programs, strategies and research to monitor and restore water quality, vital habitats, fisheries, wetlands and stewardship of the three inter-state river basins of North Carolina and Virginia (Pasquotank, Chowan and Roanoke).

Coordinate the establishment of joint programs to reduce and control point and nonpoint sources of pollution to alleviate the stress on water quality, habitats and other natural resources.

Sponsor joint scientific and policy-making public workshops.

Coordinate plans to manage the adverse environmental effects of human population growth and land development in the three inter-state river basins.

Promote greater understanding among citizens about the inter-state river basin system, the problems facing it and policies and programs designed to help it and to foster individual responsibility and stewardship of the shared resources.

Track and evaluate activities which may affect water quality and resources and report at least annually.

## **Disclaimer**

This MOA does nothing to diminish the independent authority of each agency in the administration of its statutory authority. This MOA is intended to facilitate the mission of each agency through the cooperative mechanisms of the APNEP. All activities conducted under or pursuant to this MOA are subject to the availability of appropriated funds, and no provision herein shall be interpreted to require obligation of payment of funds in violation of the Anti-Deficiency Act, 31U.S.C. 1341. This MOA is not a funding document and does not represent the obligation or transfer of funds.

**Effective and Termination Dates**

This MOA is effective upon signatures of authorized representatives of both agencies and shall remain in effect until terminated. This MOA may be modified in writing by the mutual consent of the agencies, and may be terminated at any time by either agency, at its discretion, subject to negotiation of the completion of ongoing projects.

**Individuals Authorized to Sign the MOA**

As to the NC DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES:

\_\_\_\_\_  
The Honorable Wayne McDevitt, Secretary

As to the VIRGINIA DEPARTMENT OF CONSERVATION AND RECREATION:

\_\_\_\_\_  
The Honorable David Brickley, Director

Witnessed By:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





**Memorandum of Agreement  
Between  
North Carolina Department of Environment and Natural Resources  
and  
Virginia Department of Conservation and Recreation**

**WORK SHEET**

**Agreement**

The NCDENR and the VADCR will work together to implement the management actions recommended by the CCMP of the APNEP in order to restore and maintain the chemical, physical and biological integrity of the Albemarle-Pamlico Sounds estuarine system and to achieve the specific goals and objectives as described in the CCMP.

Specifically, the NCDENR agrees to:

1.

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2.

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Specifically, the VADCR agrees to:

1.

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2.

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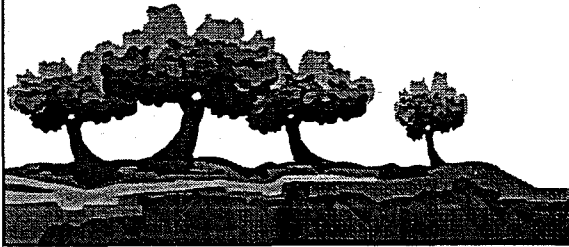
Key words: water quality, habitats, wetlands, fisheries, stewardship, monitoring, restoration, sharing of data and technologies, aseasonal and managed flows, nutrient reduction strategies, sediment impacts, research, partnership, coordinate, cooperate, educate, funding, nonpoint source pollution, point source pollution, growth impacts, groundwater depletion and contamination, impaired streams, land use planning.

OVER ↗

Please provide this form by May 24th to:

Guy Stefanski  
Albemarle-Pamlico National Estuary Program  
NC Division of Water Quality  
P.O. Box 29535  
Raleigh, NC 27626-0535  
phone: 919/733-5083 ext. 585  
fax: 919/715-5637  
guy\_stefanski@h2o.enr.state.nc.us

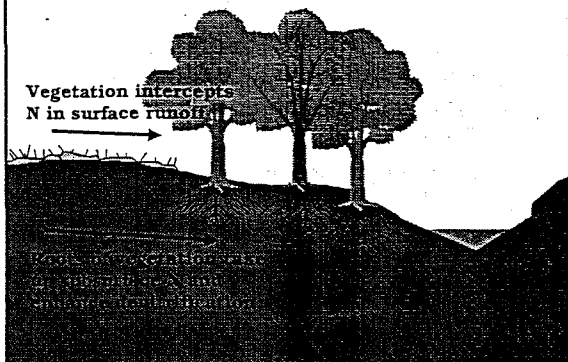
## Update on the Neuse River Riparian Buffer Rule



## Why is there a buffer rule?

- In 1995, the N.C. General Assembly set a 30% N reduction goal for the Neuse River estuary.
- About 3/4 of N comes from nonpoint sources.
- Riparian buffers are highly effective at removing N from nonpoint sources (up to 80%).

## How Riparian Buffers Work

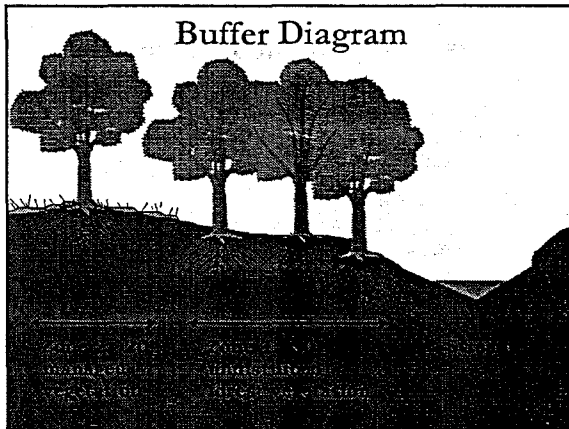


## Other Benefits of Buffers



- Remove sediment and other pollutants
- Stabilize streambanks
- Provide wildlife habitat
- Provide communities with a natural area that is attractive and enjoyable
- Help prevent homes and businesses from flooding

## Buffer Diagram



## Where does the buffer apply?

### Applies to:

- Perennial streams
- Intermittent streams
- Lakes
- Ponds
- Estuaries
- Modified natural streams

### Does not apply to:

- Ditches
- Manmade conveyances
- Ephemeral streams
- Manmade ponds & lakes outside natural drainage ways

**Since July 22, 1997, a temporary rule has required protection and maintenance of riparian buffers in the Neuse River basin.**

## History of the Buffer Rule

Winter 1995:	Rule development begins
May & Nov. 1996:	Public meetings & hearings
July 1997:	Temporary rule in effect
Oct. 1997:	Public hearings
Spring 1998:	Temporary rule revised
Summer 1998:	General Assembly considers permanent rule but instead approves H.B. 1402

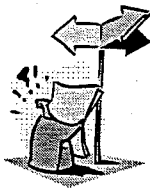
## House Bill 1402

- Allows DWQ to continue implementing the temporary buffer rule
- Requires the formation of a 23-member Stakeholder Advisory Committee
- Charges the committee to look at specific issues and recommend changes to the buffer rule.
- Directs the EMC to adopt a revised temporary rule based on the committee's recommendations.

## Stakeholder Advisory Committee

- Members represent industry, local governments, homebuilders, mining, forestry, farmers and environmental interests
- 14 meetings since Oct 21, 1998, over 100 hours of deliberations
- Submitted final recommendations to the EMC at the end of April

## Issues for the "Buffer" Committee



- What's a Stream?
- What's Forest Vegetation?
- Buffer Width
- Delegation
- Mitigation
- Allowable Uses

## Issue #1 - What's a Stream?

### Current temporary rule:

- USGS topo or NRCS soil maps or other site-specific evidence.

### Recommended:

- Continue using USGS topo or NRCS soil maps, however waters not on the maps will not be regulated even if present on the ground.
- Not covered if DWQ staff visit site and determine that a stream is not present.

### Issue #1 - What's a Stream?

**Recommended in the long-term:**

- Develop accurate basinwide maps of streams. Requested a \$5 million appropriation to produce these maps. Once they are produced, will rely only on these maps.

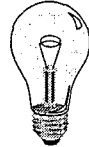
### Issue #2 - What's Forest Vegetation?

**Current temporary rule:**

- Only applies to waters that currently have "forest vegetation," which can be difficult to determine.

**Recommended:**

- The rule applies to all streams regardless of adjacent vegetation. However, exemptions are given for "existing uses" such as agriculture, buildings, utilities, roads, etc.



### Issue #3 - Buffer Width



**Current temporary rule:**

- Zone 1 is 30 feet if there is forest vegetation on all 30 feet. Could be smaller than 30 feet.
- Zone 2 is 20 feet if a complete Zone 1 is present.

**Recommended:**

- Zone 1 is a uniform 30 feet.
- Zone 2 is a uniform 20 feet, but may be graded and revegetated.

### Issue #4 - Delegation

**Current temporary rule:**

- No provisions for delegation to local governments.

**Recommended:**

- Local governments may request delegation from the EMC.
- DWQ will provide training.
- Local governments will take over rule implementation except for mitigation program.

### Issue #5 - Mitigation

**Current temporary rule:**

- No provisions for mitigation.

**Recommended:**

- Mitigation only allowed for certain activities
- Can do mitigation through paying a fee, donating property or doing own mitigation project.
- Mitigation is subject to a multiplier.
- Fee will be approximately \$41,000/acre.

### Issue #6 - Allowable Uses

**Current temporary rule:**

- Most exemptions subject to "no practical alternatives" test.
- Some confusion about requirements.

**Recommended:**

- Be more specific about allowable uses and what is required to get approval for them.
- Uses that have greater impact have to undergo more stringent review.

## More on Allowable Uses



There are 68 different allowable uses listed in the recommended revised rule.

They are classified as follows:

- Exempt (no review required)
- Allowable ("no practical alternatives")
- Allowable with Mitigation
- Prohibited


## What's next for the buffer rule?

- The EMC will consider the Buffer Committee's recommendations in May.
- The EMC may approve revised temporary rules to replace the current temporary buffer rule.
- The EMC may also approve a revised buffer rule to go through the permanent rule-making process.

**Tar-Pamlico  
Nutrient Control Rules:**



**Tar-Pamlico Basin  
Nutrient Sensitive Waters  
(NSW)  
Management Strategy**



**Tar-Pamlico Basin  
Recent History**

- Late '80's: Increase in fish kills, diseases
- 1989: EMC designates Tar-Pamlico NSW
- NSW: Phase I ('90-'94) - point sources  
Phase II ('95-'2004) - point and nonpoint sources

**Tar-Pamlico NSW Strategy  
Phase II NPS Plan**

- Goals: - 30% nitrogen reduction  
- Hold phosphorus to '91 levels
- Deadline: December 2000
- Approach: - Target, coordinate existing programs  
- Annual reduction milestones  
- Annual reports to EMC

**Tar-Pamlico NPS Plan  
Progress Under "Voluntary" Plan**

After 2 years:

- Only agriculture made progress
- Agriculture:
  - needs to pick up the pace
  - accounting method incomplete
  - loading from animal operations not quantified, not addressed
- All categories - resource and accounting challenges

**Tar-Pamlico NPS Plan  
Rules Called For**

- EMC not satisfied with progress, approved rule-making schedule Sept '98
- Key Rulemaking Points
  - Up-front public involvement is key
  - Resources needed to implement rules
  - Tight schedule, 8/2000 earliest adoption date

## Tar-Pamlico Rule-Making Schedule

Task	Start	End
Stakeholder team meetings	Nov '98	Feb '99
60-day comment, 1st draft	June '99	July '99
60-day comment, 2nd draft	Aug '99	Sept '99
Public hearings	Sept '99	Sept '99

## Tar-Pamlico NPS Rulemaking

### Public Input

- Nov '98 - Feb '99: Stakeholder team meetings
- June - July '99: 60-day comment, 1st draft
- Aug - Sept '99: 60-day comment, 2nd draft
- Sept '99: Public hearings

## Tar-Pamlico NPS Rulemaking Stakeholder Teams

1. Agriculture
2. Urban Stormwater
3. Non-Agricultural Nutrient Management
4. Atmospheric Emissions
5. On-Site Wastewater
6. Construction Erosion & Sedimentation Control
7. Restoration
- (8. Riparian Buffer Protection)

## Tar-Pamlico NPS Rulemaking Stakeholder Teams Overview

- **Purpose:** Maximize up-front agreement
- **Charge:** Draft rules or report
- **Features:** Full representation, consensus, professional facilitation
- **Meetings:** 6 per team over 3 months

## Tar-Pamlico NPS Rulemaking Stakeholder Recommendations

- Draft rules in all 4 Neuse rule subject areas:
  1. agriculture
  2. urban stormwater
  3. nutrient management
  4. riparian area protection
- Draft resolutions in 4 subject areas:
  1. atmospheric emissions
  2. onsite wastewater
  3. construction ESC
  4. restoration
- Request 3 other EMC actions:
  1. agriculture - appoint accounting task force
  2. atmospheric emissions - appoint TAC
  3. restoration - set voluntary goal, NCWRP as lead agency

## Agriculture Team

### Team Consensus:

- Model rules after Neuse ag rules
- Differences from Neuse rules:
  - EMC appoints task force to report in 1 year on baseline and reduction accounting and alternatives
  - Phosphorus - added P goal, study committee



## Urban Stormwater

- **Team Consensus:**
  - **Thresholds**
    - 5,000 for municipalities (6 now)
    - 30,000 for counties (6 now)
  - **Model rules after Neuse**
  - **Add phosphorus requirements**
  - **Existing development**
    - add prioritization of retrofit sites
    - add mapping of storm, sanitary sewers

## Urban Stormwater (cont'd)

No team consensus on:

- new development reduction accounting method (draft rule uses Neuse approach)
- existing development - whether to require retrofitting

## Nutrient Management

- **Consensus of Teams:**
  - Model rules after Neuse
  - Non-ag: lower Neuse 50 ac threshold to 0, exempt homeowners
  - Ag: add phosphorus to training
- **No ag team consensus on thresholds**
  - Consensus on 2 alternatives:
    - zero acre threshold, commercial ag only
    - 50 acre threshold as in Neuse

## Riparian Area Protection

Adapt the results of the Neuse stakeholder advisory committee, established under HB 1402, for the Tar-Pamlico Basin

## Atmospheric Emissions

- **No Team Consensus:**
  - significance of ammonia emissions from animals
  - whether to propose rules now
    - Timetable depends on funding for research and demonstration
- **Team Consensus:**
  - Request EMC forward resolution to General Assembly recommending funding for:
    - continued research on emissions and fate
    - development and application of control technologies
  - Request EMC appoint Ammonia Emissions TAC to advise EMC annually on scientific advances, feasibility of rules

## Onsite Wastewater

- **Team Consensus:**
  - Significant potential for nitrogen loading, but data lacking
  - Requiring denitrifying technology likely considered economically infeasible
  - Request EMC forward resolution to General Assembly

## Onsite Wastewater (cont'd)

### ■ Team's Recommendation to EMC:

Forward a resolution to the General Assembly.

- fund research - estimate loading, develop risk-based mgt.
- require counties to implement risk-based management, evaluate septage issues
- funding and authority for: counties, homeowners, and training
- require type wastewater treatment i.d.'d on property deeds

## Construction Erosion & Sedimentation

### Team Consensus:

- Construction activity has increased, potential for loading
- Resolution from EMC to SCC:
  - more stringent ESC requirements in NSWs, similar to HQWs
  - mandatory training and certification of contractors, developers
  - resolution to General Assembly requesting increase in enforcement staff, funds for training and research

## Restoration

### Team Consensus:

- Establish explicit, voluntary restoration goal
- Request EMC establish NCWRP as lead agency, chair TAC that will help identify sites, increase projects
- Request EMC forward resolution to General Assembly requesting funding to reach goal

## Current Status of Rule-Making Process

- April 7 Water Quality Committee of EMC approved stakeholder recommendations with one exception; proposed to add rules on atmospheric emissions
- WQC to re-air atmospheric issue May 12
- Full EMC to review WQC recommendations May 13