

NEUSE RIVER BASIN REGIONAL COUNCIL MEETING

Wayne Center, Goldsboro, North Carolina

June 21, 1996

Minutes

The meeting was called to order at 9:15 am by Chairman George Wolfe. Of the 48 NRBRC members, 16 voting members and 1 alternate were present, as were a number of staff and guests.

The resolution for the adoption of By-Laws dated 6/6/96, was passed with the following vote:

- 16 yes - in person
- 3 yes - by mail ballot
- 1 no - by mail ballot

After the vote, Chuck Cauley, alternate for Harold Herring, presented some proposed amendments to the newly adopted by-laws. After a brief discussion, Chairman Wolfe requested that these be presented in the form of written resolutions to be placed on a future agenda. Among the issues raised was the concept of allowing the vote of a proxy delegate who regularly attends on behalf of the appointed voting member.

The resolution for confirming the NRBRC officers was passed without objection.

Dr. John Costlow presented the draft budget with some explanation of how certain figures were determined, based on his experience with the Albemarle-Pamlico Estuarine Study (APES). A motion was passed to accept this budget in principle and proceed with action to procure the funds needed. Division of Water Quality (DWQ) staff will work with him and the Finance Committee on these matters.

Chairman Wolfe presented a summary for information of a resolution adopted by the Association of County Commissioners which met in Raleigh on June 11, 1996. This resolution was sent to a Legislative study group for further analysis. After this, the NRBRC will consider whether to support the resolution and any, or all, of its conclusions. Among the issues raised in the general discussion was that of regulators and legislators looking for a "one size fits all" policy and "selected exemptions" policy for environmental regulation. It was thought these approaches would cause divisiveness.

Joe Hughes, interest group representative for silviculture, gave a very informative slide show presentation of the impact of the forestry industry on the watershed, with particular focus on those Best Management Practices (BMPs) and Water Management Practices currently used to reduce nutrient run-off and sedimentation problems from normal forestry practices. Weyerhaeuser will be using their Parker tract to look at ecosystem function at a landscape level. Some of the questions to be addressed by this and other research programs include:

- *What is a "good" buffer?
- *How important is a "forested" buffer compared to a "grass/shrub" buffer?
- *How important is site-specific management planning, using a menu of BMPs to choose from?

*How important is water table level?

*What are the relative values of surface buffers compared with subsurface flow of water?

*How could one estimate the amount (or percentage) of acreage in the watershed that could be in a given status at any one time? For example, if 2% of a tributary watershed is in clear-cut condition, or under site prep in any one season, is that an acceptable level, assuming the majority of the rest of the watershed is in forest or other cover?

Margaret Holton reviewed the status of ongoing legislative action. At the time of the meeting the General Assembly was effectively at a stalemate on several environmental bills in progress. She also presented some recent press releases and other information sheets from the Coastal Action Network, the Neuse River Coalition and the Southern Environmental Law Center.

Break-out sessions met for 20 minutes to discuss Research, Information and Legislative/Public Relations issues. The following reports were given:

Legislative/Public Affairs

*A recommendation by the Research/Information Subcommittee that the Legislative Subcommittee develop a strategic plan for the 1997 General Assembly

*Dr. Greg Thorpe and Marion Smith, Governor Hunt's Eastern Office representative, announced the proposed meeting dates of the Soil & Water Commission to be held in New Bern on July 10th & 11th. Part of the meeting will include field trips to river and agricultural sites. Included in these meetings will be the consideration of the Interim Draft Strategy Rules for the Neuse River, which were previously outlined by Dr. Thorpe at the NRBC meeting of May 3, 1996.

*Ms. Smith discussed an environmental education program package available from DEHNR's Office of Environmental Education (Anne Taylor, Director). Members of the Council will be receiving a package from them in a separate mailing.

There was some discussion of how the staff within the Natural Resources Conservation Service (NRCS) which was formerly the ACS will work with DEM, EMC and the Soil & Water Commission to coordinate rules implementation and public affairs issues. Some concern was expressed that again the Neuse Council not be left out of the loop as these processes are developed.

Research and Information

*In keeping with the intent to have some 15-30 minute informative session at each meeting, the Research & Information Subcommittee suggested the following schedule of meeting dates and topics. They will work to obtain the presenters of the below listed topics:

July 26 - GIS as a planning tool

Aug 16 - Agricultural impacts (note that this date is one week early to avoid conflict with the Association of County Commissioners Annual Meeting in Winston-Salem)

Sept. 27 - Wastewater, storm water

Oct. 22 - Hydrology, aquifer issues

Nov. 22 - Buffers, land conservation

Dec. ? - May skip because of holiday period

*Subcommittee recommends that we develop a Neuse Council Homepage on the World Wide Web

*Subcommittee recommends that we develop a simple brochure explaining the work and purpose of council

In other business Rick Dove invited the Executive Committee and interested others to join him for a tour of the lower Neuse, both by air and by water. A tentative date of July 21 or 22 was suggested. Contact Rick Dove directly for more details.

The NRBRC officers decided that at future meetings there would be a meeting of the Executive Committee and staff at 9:00 am to confirm the agenda and coordinate with presenters. The meeting of the full council will then convene at 9:30 am.

There being no further business, the meeting was adjourned.

Respectively submitted,

Donna Wright, Secretary

NEUSE RIVER BASIN REGIONAL COUNCIL

Wayne Center
Goldsboro, NC

June 21, 1996

9:00 am

AGENDA

9:00 am	Call to Order & Welcome	George Wolfe
9:05am	Self Introductions	All
9:15am	Approval of Minutes	George Wolfe
9:20am	Adoption of By-Laws	Donna Wright
9:30am	Resolution Confirming Slate of Officers	Donna Wright
9:45am	Financial Considerations	Dr. John Costlow
10:15am	Presentation--Forestry Questions & Answers	Joe Hughes
10:45am	Subcommittee Breakout Sessions	Subcommittee Chairs
	Research & Information	Dr. John Costlow
	Legislative Liaison	Margaret Holton
	Public Relations	Margaret Holton/Sondra Riggs
	Finance	Dr. John Costlow
	Executive Committee	Officers
11:30am	Reports from Breakout Sessions Discussion	Subcommittee Chairs
12:15pm	New Business	
12:30pm	Adjourn	

RESOLUTION REGARDING OFFICERS

Be it resolved that the following slate of ad-hoc Officers is hereby confirmed as the duly elected officers of this council.

Chair: Mr. George Wolfe
Vice-Chair: Dr. John Costlow
Secretary: Ms. Donna Wright

Coastal Action Network

Action Alert #3: HOGS (and Other Intensive Livestock Operations)

Last summer, we watched animal waste flow freely into our waters, and we learned about the more insidious effects of hog and animal waste on our ground water, surface water, air, and land. The Blue Ribbon Commission on Agricultural Waste was created to "address" environmental concerns created by animal waste, but as expected, their recommendations have come up short.

The Blue Ribbon Commission's recommendations are now before the North Carolina Legislature. Despite the fact that these bills provide only minimal environmental controls, the pork lobby is working at full tilt to weaken them. You may have seen their ads in the newspaper over the last week.

What you can do

Your legislators are hearing from the pork industry lobbyists. They need to hear from you.

In the Legislature, the House is currently considering House Bill 1227. Next, the Senate will consider an identical bill, Senate Bill 1217. These bills were referred to the Legislature from the Blue Ribbon Commission on Agricultural Waste

Call your legislators and ask them to strengthen these bills by:

- Providing community zoning authority. Currently, local governments have no authority with regard to the siting of factory farm hog operations.
- Supporting the rights of citizens to file nuisance suits against factory hog operations that destroy quality of life for communities by fouling the water and the air.
- Increasing minimal public notice requirements recommended by the Blue Ribbon Commission. Public notice would alert communities to proposed intensive livestock operations before they are built.
- Opposing any backsliding on the state's no-discharge standard. Currently, North Carolina does not permit discharges from hog operations. Rather than tightening standards to prevent such discharges, the Blue Ribbon panel has recommended that the no discharge standard be weakened.

Call your legislators. You can reach them through the General Assembly switchboard: (919)733-4111. You can also use fax or e-mail, call us for help in finding a number or address. Finally, you can always send letters to a legislator at: [Legislator's Name], General Assembly, 16 W. Jones St., Raleigh, NC, 27601.

Public hearing: Environmental groups have requested a public hearing on these bills. If a hearing is held, it will be called with little advance notice and held in Raleigh, most likely during the daytime. If you might be able to attend - please let us know so that we can notify you of the time and place.

Use the fish cards! Enclosed is a clean waters post card. More cards are available - call 1-800-232-6210.

For more information, please call:

Mary Ann Harrison

Neuse River Foundation

(919)637-7972

Lauren Kolodij

N.C. Coastal Federation

1-800-232-6210

Kristin Rowles

Pamlico-Tar River Foundation

(919)946-7211

FOR IMMEDIATE RELEASE

CONTACT: DERB CARTER OR MICHELLE NOWLIN (919) 967-1450

ENVIRONMENTAL GROUPS CHALLENGE PORK INDUSTRY CLAIM

On May 28, 1996, the pork industry stated to the House subcommittee that is considering animal waste legislation that 97.2% of the hog production facilities inspected by the Department of Environmental Management last summer do not contribute to water quality problems. This contention is also being featured in the pork industry's on-going media campaign. This statement is false. Here are the facts:

▶ DEM inspected 3,015 registered swine production facilities throughout the state. This was the first-ever systematic inspection of the swine industry. DEM inspected only those facilities that had registered with DEM, in accordance with the .0200 animal waste regulations. DEM did not inspect facilities that had not registered with the state. This one-time inspection was conducted several months after the spills and fish kills.

▶ Out of the 3,015 hog production facilities inspected by DEM, 83, or 3%, were deliberately dumping animal waste into surface waters via man-made devices. An additional 45, or 1.5%, were negligently discharging animal waste into surface waters.

▶ Out of these 3,015 inspected facilities, many had violations that could contribute to contamination of groundwater or surface waters.

- * 15% had inadequate lagoon storage capacity, or freeboard
- * 12% had erosion of lagoon walls
- * 3% had inadequate acreage available for spraying lagoon waste
- * 7% had inadequate crop cover on spray fields
- * 3% had visible seepage from lagoons

▶ According to a report commissioned by the pork industry and released in February of this year, 89% of animal waste treatment lagoons surveyed by NCSU and Clemson University in North and South Carolina showed signs of underground seepage.

"The three per cent figure used by the pork industry represents only those facilities that were deliberately dumping animal waste into surface waters," said Derb Carter, an attorney with the Southern Environmental Law Center. "Many other facilities are contributing to water quality problems by seepage from lagoons and spray fields and careless discharges of waste. The fact is the inspections to date have revealed chronic non-compliance with requirements to protect water quality."

Stricter hog plan ready in Senate

BY JOE DEW
STAFF WRITER

to keep regulators from the Division of Environmental Management on the sidelines.

Perdue, the most powerful woman in the legislature, appeared ready to support the industry-backed position last week. But after environmental activists and others complained, she promised to reconsider.

Her latest draft, scheduled for debate today in the Senate Agriculture, Environment, and Natural Resources Com-

SEE HOGS, PAGE 8A



Sen. Beverly Perdue has revised her hog measure.

SB 1217
SW
Operations
inspector
7
Em. Mgt.
in charge

A greatly altered Senate bill that would require two yearly inspections of hog farms, including one by the state's top environmental police, began moving through the General Assembly on Tuesday.

The bill, prepared by Democrat Beverly Perdue and likely to enjoy the support of Senate President Pro Tem Marc Basnight, is a dramatic shift away from last week's version of the bill, in which industry-favored proposals threatened

HOGS

CONTINUED FROM PAGE 1A

mittee, clearly prescribes a dual role for DEM in hog farm oversight: inspector and enforcer.

"DEM's presence does add ... that hammer we all need," Perdue said Tuesday afternoon. "It lets folks know we're real serious about the animal industry in North Carolina."

A competing bill being considered in the House is much more to the pork industry's liking. Under the House bill, annual farm inspections would be performed by agencies widely regarded as the friends of farmers, and the DEM would not be involved unless major problems developed.

In recent months, DEM has aggressively pursued hog farmers and other livestock operators who pollute. They have won few friends in the farming community and even fewer on the 4,000 hog farms that now dot the state's landscape.

Hog farm foes and the chief of Division of Environmental Management like the changes in Perdue's bill.

"This is a good compromise," said Bill Holman, chief lobbyist for the Sierra Club and the Conservation Council of North Carolina. "It makes a lot of sense. It's a stronger proposal."

Generally speaking, the bill calls for two yearly inspections by state

agents. One, an "operations review," would have agents from the Division of Soil and Water Conservation help farmers understand what they are doing right, what they are doing wrong, and how they can correct their problems.

The second inspection would be performed by DEM agents. They would take a much firmer approach, even assessing fines for serious violations.

Earlier plans dropped

Previous proposals to allow the Natural Resources Conservation Service, a federal agency, and the N.C. Cooperative Extension Service to perform inspections are absent from Perdue's bill.

Another component of her bill requires those who spray hog wastes on fields to get more training than current laws require. Instead of six hours, Perdue's bill calls for 10 hours of classroom instruction initially and six more hours of training over the next three years.

She said that is the best way to make sure that farmers keep abreast of changing technology.

Perdue rewrote her bill after she huddled with environmental lobbyists and representatives from the Department of Environment, Health and Natural Resources, the parent of DEM, and the Division of Soil and Water Conservation.

Preston Howard, head of the DEM, said he likes Perdue's new bill. But he urged that it be broadened to incorporate additional livestock-farm regulations advocated by Gov. Jim Hunt.

In addition to tougher inspections, Hunt is seeking wider setback requirements for hog barns and waste lagoons, notification of proposed hog farm sites printed in community newspapers, and more training for waste operators.

Perdue said she is not trying to

"This is an issue I believe the people of North Carolina can get into," she said. "This is a problem that is much bigger than the problems we saw in the New River."

Last summer, a hog waste lagoon at Oceanview Farms in Onslow County burst and spilled 25 million gallons of hog feces and urine into the New River. State experts described it as one of the worst environmental disasters ever.

Failing lagoons on some other farms and leaks that contaminated drinking water in at least one community prompted lawmakers and Hunt to convene the Blue Ribbon Study Commission on Animal Waste.

That panel, dominated by the hog industry, proposed a series of steps for cleaning up neglectful farms, including yearly inspections and a system of permits for farms.

Differences with House

The House Agriculture Committee, run by Republicans, has adopted most of those proposals.

But the House bill pointedly excludes the DEM from the inspection process. Instead, it assigns the task to the Division of Soil and Water, the Cooperative Extension Service and other agencies.

Today, in the Senate Agriculture committee, Perdue hopes to fold some parts of the blue ribbon panel proposals — like notifying neighbors when a hog farm is ready to start up or expand — into her bill and then move one large proposal to the Senate floor.

As co-chairman of the appropriations committee and a veteran lawmaker, she has the power to push the bill.

She also has a powerful ally in Basnight, who often backs her on matters related to the environment and water quality.

"I am in a position to support her," Basnight said. "I usually do." He said

LEGISLATIVE UPDATE-----NEUSE RIVER CLEAN-UP

June 20, 1996

M. Holton, Natural Resources
NEUSE RIVER BASIN COALITION

REPORT FOR June 21

One year ago 25 million gallons of hog feces and urine spilled into the new River in Onslow County. LAST YEAR one poultry and six hog operations spilled about 35 million gallons of animal waste into N.C.'s rivers...Rural residents have complained for years about the stenching smell as well as flies that come from concentrated hog operations.

Most of you know about the "Blue Ribbon Commission" appointed by Gov. Jim Hunt, Speaker Brubaker, and Sen President Pro Tem Basnight who met in 1995 and 1996 and made recommendations to the Legislature. It was dominated by poultry and pork interests. It was Co-Chaired by former Congressman Tim Valentine and Dr. Ernie Carl, former DEHNR Deputy Secretary who attempted to bring some concern for the public to the Commission. Sen. Albertson introduced SB 1217, Animal Waste Recommendations to implement "Blue Ribbon" Commission report and Rep. John Brown, etc. introduced the identical companion bill, HB 1227 in the House. They were sent to Agriculture Committees in each Legislative Body.

The State Senate passed SB 1217 in Finance Com. on Tues. and Senate on Wed. June 19. Final Senate approval of SB 1217 meant that large-scale animal operations would be required to secure a state permit detailing how wastes would be handled. Each farm would be required to pass two state inspections each year. One would be on the Waste Plan by Soil and Water Conservation Service (SWC) and inspection of the permit that is required of the Division of Environmental Management (DEM)---the environmental law-enforcers of the State.

Fines for willfully polluting the waters would increase from \$5000 to a maximum of \$10,000. It would also put a required 500-foot buffer between neighbors and the waste lagoons and the shelters of hog farms which are now at 100 feet from property line. The 100 ft. rule is in effect now as long as they are at least 1500 ft. from homes and 2500 ft. from schools and churches. Those distance requirements were set last year at end of the session of the General Assembly when the Legislature brought back a siting bill in answer to the June 21 Spill Outrage and the complaints over odor. The legislation also provides that livestock operations could seek state Cost-Share money for installing the buffer zones or closing a waste lagoon up to \$75,000. One hopes that the County Water Conservation Boards are more likely to help the smaller farmer than the five Big Business Companies.

The House Bill is more lenient toward pork producers, as well as poultry operations, The House Bill, HB 1227, designates dry litter poultry waste systems as "deemed permitted". Permit fees are quite low, but the bill directs DEHNR to conduct annual inspections of intensive animal operations.... Now the problem is to get the Senate bill passed in the House....that is if the Legislature stays in town!

THE 1996 HUNT ENVIRONMENTAL AGENDA

Expansion included

Cleaning Up the Neuse River

- Provide \$7 million in financial aid to help farmers and cities reduce nutrient pollution to the Neuse
- Fund modeling, monitoring and research that will give us a better idea of what's causing the Neuse's problems and how to fix them

Improving Animal Waste Management

- Provide \$11.4 million to help farmers statewide keep agricultural runoff out of our streams and rivers.
- Fund additional staff for the Division of Soil and Water Conservation and assistance to local Soil and Water Districts.
- Fund and implement an animal waste permitting program
- Adopt tougher animal waste management regulations

Restoring Wetlands

- Create and fund a wetlands restoration program to reverse historic wetlands loss and eliminate red tape from our current wetlands program
- Fight efforts to weaken wetlands regulations

Improving Water Quality Statewide

- Create a trust fund to improve water quality through the purchase of stream buffers, repair of malfunctioning wastewater treatment systems, removal of straight pipes, restoration of degraded waters, control of stormwater runoff and use of conservation tax credits
- Create an easily accessible water quality data base that merges all information across programs
- Increase statewide water quality monitoring
- Create citizens' water quality monitoring program to supplement government efforts
- Eliminate straight-piping of raw sewage into our rivers and streams

1996 Hunt Environmental Agenda

☐ Neuse River Cleanup

The Department of Environment, Health, and Natural Resources has developed a comprehensive plan for cleaning up nutrient pollution in the Neuse River. The plan, which will be acted upon by the Environmental Management Commission this fall after public comments and hearings, would require stringent nitrogen limits for point sources, vegetated buffers, and permits for intensive animal operations. Funds are recommended to (1) implement the plan and carry out additional work needed to clean up the Neuse, and (2) to assist regulated parties in complying with the requirements of the plan.

a. Modeling/Monitoring/Research

Nonrecurring funds are recommended to complete a two dimensional hydrodynamic estuary model of the Neuse, to expedite the fate/transport nutrient model, to complete a decisions support model, to purchase flow gauges and real time monitors, and to conduct research on the problems occurring in the Neuse River and how to fix them.

\$1,000,000

b. Financial Aid to Regulated Parties

To help regulated parties meet the requirements of the cleanup plan, \$2 million in nonrecurring funds is recommended to be directed to the Lower Neuse Basin Association to assist local governments in fulfilling their obligations under the plan. An additional \$5 million in nonrecurring funds would be provided through the agricultural cost share program on water control structures, nutrient management, and mandated buffers.

\$7,000,000

30 million
Sen Bill 1128

Clean Water Management Trust Fund

Nonrecurring funds are recommended to establish a Clean Water Management Trust Fund consistent with Senator Marc Basnight's proposal that will be administered by a board of trustees. The purpose of the fund is to improve and preserve the quality of our state's surface waters and drinking waters, and to build a network of riparian buffers and greenways for environmental, educational, and recreational benefits. Funds from the trust fund may be used to 1) acquire land for riparian (vegetative) buffers for the purposes of providing environmental protection and establishing a network of greenways for environmental, educational, and recreational purposes; 2) acquire conservation easements; 3) fund tax credits for conservation easements for environmental protection and preservation; 4) restore previously degraded lands to reestablish their water bodies to gain the most public benefit while protecting water quality and enhancing habitat; 5) repair failing wastewater treatment systems denied funding by the clean water revolving fund loan due to lack of financial resources; 6) repair failing septic tank systems and illegal drainage connections; 7) improve stormwater control and management practices; 8) facilitate land use planning that targets reductions in surface water pollution; and 9) coordinate with other programs involved with lands adjoining water bodies to gain the most public benefit while protecting and improving water quality. State agencies, local government, nonprofit organizations whose primary purpose is the conservation, preservation, and restoration of our state's environmental and natural resources, and any political subdivision of the state may apply for the funds. Staff and board expenses will be funded out of the trust fund.

\$30,000,000

Wetlands Restoration Program

The historic and ongoing destruction of wetland resources is a major contributing factor to North Carolina's water quality problems. The state needs to embark upon an aggressive, ongoing program of targeted wetlands restoration, and also enable parties to fulfill their regulatory obligations by making payments into a state's wetlands restoration fund. It is recommended that \$2,500,000 in recurring funds be provided for the acquisition and restoration of wetland areas and for the administrative costs of operating the program.

\$2,500,000

Number of Positions:

8.0

▣ Basinwide Management apply scientific info

Basinwide Management is a statewide watershed based management approach being implemented by the North Carolina Division of Environmental Management's Water Quality Section to improve the efficiency, effectiveness, and consistency of the state's Water Quality Program. The need for consolidation and modernization of the section's information bases has increased within recent years because of this initiative. The issues confronting the Water Quality Section are highly scientific in substance. The application of scientific techniques for use in regulatory management decisions requires that the science be summarized and communicated in a clear, concise, and accurate manner to an extremely diverse audience. Currently, the data resides in approximately 60 separate database repositories within the section. Nonrecurring funds are recommended to establish advanced computer based technologies that will modernize existing computerized information management, and expand computer based data management and analysis capabilities into other needed areas.

\$1,313,210

▣ Statewide Monitoring

North Carolina has over 37,000 miles of rivers and streams. The Department's current monitoring of the state's rivers and streams, including laboratory analysis of samples, is inadequate to ensure protection of our water quality. In order to properly determine the quality and quantity of the waters in these streams and rivers it is necessary to develop a more extensive network of monitoring. Funds are recommended to hire additional monitoring staff, equipment, and contract lab support.

\$913,255

Number of Positions

4.0

Monitor - 37,000 miles of streams

5

☐ **Citizens' Monitoring Program** _____

In an effort to supplement the monitoring efforts of the Water Quality Section and to enhance our citizens' involvement in the protection of water quality, a citizens' monitoring program should be established. Although groups of individuals across the state perform volunteer water quality monitoring efforts, these groups currently operate independently and therefore utilize a wide variety of monitoring plans and techniques. They have limited organized means at their disposal of presenting this potentially large and valuable data set to regulators, researchers, or the general public. Funds are recommended to implement a citizens' monitoring program that would coordinate volunteer information into the existing Basinwide Water Quality Management approach and provide training in techniques of data collection.

Number of Positions

\$587,701
4.0

☐ **Straight Pipe Elimination** _____

The Department needs to do more to address sewage discharges into streams that are proposed or currently used for public water supplies. It is recommended that \$185,500 in recurring funds and \$19,500 in nonrecurring funds be provided for staff to identify sites with direct discharges (straight pipe) of sewage and overland flow of failing septic systems. Through education efforts coupled with a specified amnesty program, staff would seek solutions which would obviate the need for legal remedies.

Number of Positions

\$205,000
3.0

☐ **Agricultural Cost Share Program** _____

The Agricultural Cost Share Program (ACSP) is currently funded annually at \$8.2 million. Of this amount, approximately \$6.45 million is spent in direct financial assistance to farmers to assist them in implementing a variety of water quality best management practices (BMPs), including animal waste management, nutrient management, water control management, and vegetated buffers.

The remaining \$1.75 million of program funds goes toward the cost of providing technical assistance to farmers. The ACSP is a vital tool in the state's program to control agricultural nonpoint source pollution. The program promotes the voluntary implementation of agricultural BMPs and also helps defray the costs incurred by owners of existing animal operations to comply with mandatory state water quality regulations.

(e.g., .0200 rules for animal operations). More ACSP funding statewide will help ensure that most, if not all, animal operations comply with the .0200 rules by the December 1997 regulatory deadline. Currently the statutes limit the amount of money an applicant for cost share may obtain to \$15,000 per year. In addition, the APA rules limit the payments to three years. It is recommended that the statutes and rules be changed to eliminate the cap and time frame on funding.

- a. **Agricultural Cost Share for Farm Operators.** It is recommended that \$11.4 million in nonrecurring funds be provided to expand the ACSP for farming operations. \$11,400,000
- b. **Agricultural Cost Share for Technical Assistance.** The ACSP reimburses counties up to 50% of the cost to local governments for providing services in the planning, design and installation of agricultural BMPs to improve water quality through the local Soil and Water Conservation Districts (SWCDs). It is recommended that \$200,000 in recurring funds be provided to counties in order to assist in the payment of such items as per diems, overtime and other necessary expenses incurred by the SWCDs in meeting the requirements of the animal waste regulations and other district programs. \$200,000
- c. **Operational Support for Soil and Water Districts.** Soil and Water Conservation Districts have the responsibility to carry out local conservation programs that emphasize promoting natural resource protection in the agricultural community. Financial support to SWCDs comes from the county governments and the Soil and Water Conservation Commission through a \$2,000 per year SWCD matching grant. Recurring funds of \$200,000 are recommended to increase the matching grant to \$4,000 per year to help maintain their operating budgets and to meet the demands of expanding district responsibilities in protection of natural resources. \$200,000

7

- d. **Additional Funding for State Staff.** Funds are recommended to provide four additional staff for the Division of Soil and Water as follows: 1) a Local Area Network Administrator to develop and maintain the division's information resource management system, 2) an environmental supervisor for coordinating the activities in the Neuse Basin, 3) a processing technician for the Agricultural Cost Share Section, and 4) a budget/ personnel/ grants specialist. Nonrecurring funds of \$5,750 are recommended to provide office furniture and equipment.

	\$200,000
Number of Positions	4.0

e) Animal Waste Permitting

The recent expansion of concentrated animal feeding operations has raised the state's awareness of the potential environmental impacts of these types of facilities. Due to these concerns, a new program to manage and permit approximately 4,500 of these facilities is necessary. Animal operations are currently managed primarily through rules and regulatory programs administered by the Division of Environmental Management. (15 NCAC 02H 200) The current process utilizes a registration and certification process for facilities above threshold sizes for animal wet waste management systems. This process relies heavily on other agencies, both state and federal, to develop site specific management plans for waste handling activities. With the numerous agencies involved, a clear direction for the program has not been accomplished. To enable a program to be developed and managed that will encompass permitting activities, siting requirements, compliance oversight and enforcement activities, a single agency must initiate a permitting program to ensure that future and current facilities are constructed as well as retrofitted to ensure the waste management activities are accomplished in such a way as to ensure the protection of our water resources. It is estimated that an animal waste permitting and compliance program will cost \$1.8 million, of which one half would be supported from permit fees. Nonrecurring funds for this program will support 10 additional staff in the central office for the permitting and compliance activities and 18 staff in the regional office to perform compliance inspections, technical assistance, and field activities associated with the permitting of these facilities, and the development of appropriate enforcement actions.

Requirements	\$1,800,000
*Receipts	\$900,000
Appropriation	\$900,000
Number of Positions	28.0

Permit Information Center

Permit applicants, particularly individuals and small business, often find it difficult to determine what environmental permits they are required to obtain and how to navigate the permitting process. Funds are recommended to provide a permit information center that would address this problem by providing a single point of contact within the Department of Environment, Health, and Natural Resources for permit information. The center will help identify permits that a business needs, keep a registry of application forms, set up training workshops for permit applicants, facilitate development of permit guidance materials, distribute permit guidance materials to the public, and update, print and distribute the permit assistance directory. Technical support will be provided by existing staff from the department's permit programs who will be detailed to the center on a rotating basis.

Number of Positions

\$150,000
2.0

Partnership for the Sounds/ Environmental Education

The Partnership for the Sounds is a nonprofit organization operated for the purpose of promoting ecotourism and environmental education initiatives in the Albemarle-Pamlico region of the state. Nonrecurring funds are recommended as follows: 1) construct the estuarium and gift shop in Washington, N.C. (\$225,000) 2) renovate a theater in downtown Columbia that will serve as headquarters for the Partnership (\$250,000) 3) renovate the Lake Mattamuskeet Lodge (\$170,000) 4) Roanoke River Visitors Center in Windsor, N.C. (\$125,000) 5) develop a roadside overlook on Highway 94 between Columbia and Farfield (\$30,000).

\$800,000

Totals \$58 million

Copy Branch Heads

Greg

DIVISION OF ENVIRONMENTAL MANAGEMENT

May 31, 1996

Copy Boyd

Best

Davis

Brian

Alan C

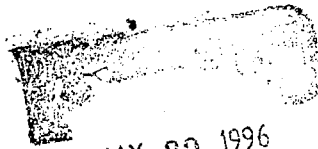
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↳ Return

orig. to Greg



MAY 30 1996

WATER QUALITY SECTION

MEMORANDUM

TO: Harlan Britt
Denise Sessoms
Don Reuter
Section Chiefs
Regional Supervisors

FROM: Preston Howard *PH*

SUBJECT: Budget Proposals

Governor Hunt has proposed \$57.3 million in his budget for Neuse River nutrient reduction efforts, improving animal waste management, restoring lost wetlands and creating a trust fund to improve water quality. As you know, most of the proposals are directly connected with DEM's responsibilities and day-to-day activities. Therefore, I fully expect that each of us will be asked about the budget proposals. For that reason, I have prepared the attached package of information for your use so that we all are working from the same material. Please feel free to share this information with appropriate members of your staff.

APH:dgr

Attachments

- Alan ✓
- Darlene ✓
- Suzanne _____
- Barry R _____
- Scott _____
- Buy _____
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DO NOT HOLD

THE 1996 HUNT ENVIRONMENTAL AGENDA

Cleaning Up the Neuse River

- Provide \$7 million in financial aid to help farmers and cities reduce nutrient pollution to the Neuse
- Fund modeling, monitoring and research that will give us a better idea of what's causing the Neuse's problems and how to fix them (\$1 million)

Improving Animal Waste Management

- Provide \$11.4 million to help farmers statewide keep agricultural runoff out of our streams and rivers.
- Fund additional staff for the Division of Soil and Water Conservation and assistance to local Soil and Water Districts. - \$600K
- Fund and implement an animal waste permitting program \$900K
- Adopt tougher animal waste management regulations

Restoring Wetlands

- Create and fund a wetlands restoration program to reverse historic wetlands loss and eliminate red tape from our current wetlands program
- Fight efforts to weaken wetlands regulations

Improving Water Quality Statewide

- Create a trust fund to improve water quality through the purchase of stream buffers, repair of malfunctioning wastewater treatment systems, removal of straight pipes, restoration of degraded waters, control of stormwater runoff and use of conservation tax credits
- Create an easily accessible water quality data base that merges all information across programs
- Increase statewide water quality monitoring
- Create citizens' water quality monitoring program to supplement government efforts
- Eliminate straight-piping of raw sewage into our rivers and streams

BACKGROUND INFORMATION

1) \$8 million to restore the Neuse River by helping farmers and municipalities reduce nitrogen going into the river and creating a better model of Neuse River pollution.

DEHNR has developed a comprehensive plan for cleaning up nutrient pollution in the Neuse River. The plan, which will be acted upon by the Environmental Management Commission this fall after public comments and public hearings, would require stringent nitrogen limits for point sources, preservation of a 50-foot vegetative buffer adjacent to streams, basinwide stormwater controls and permits for intensive animal operations. Funds are needed (1) to implement the plan and carry out additional work needed to clean up the Neuse, and (2) to assist regulated parties in complying with the requirements of the plan.

FUNDING BREAKDOWN: Non-recurring funds (\$1 million) are needed for work by the Division of Environmental Management that is essential to the Neuse River cleanup. These funds will be used to complete a two-dimensional hydrodynamic estuary model of the Neuse, to expedite the fate/transport nutrient model, to purchase flow gauges and real-time monitors and to conduct research on the problems occurring in the Neuse and how to fix them. Much of this work is already underway at the request of the Senate Select Committee on River Water Quality and Fish Kills.

The bulk of the non-recurring funds should be spent to help regulated parties meet the requirements of the cleanup plans. The total costs of compliance will be in the tens of millions of dollars. At this point, an appropriation of \$7 million is recommended for this purpose. There are many ways such funds could be allocated. The administration's recommendation is that \$2 million be directed to the Lower Neuse Basin Association to assist local governments in fulfilling their obligations under the plan. The remaining \$5 million should be used to help agriculture through the Agriculture Cost Share Program (ACSP). The ASCP funds would be spent on water control structures, nutrient management and mandated buffers.

2) \$12 million to help farmers statewide comply with animal waste management rules.

The state is committed to cleaning up North Carolina's animal waste problems. To that end, the budget will include \$11.4 million one-time dollars to help farmers statewide fund best management practices that keep agricultural run-off out of our streams and rivers. This money is necessary to help farmers meet the December 1997 deadline for complying with state rules on animal waste.

The budget also includes \$600,000 to provide additional state staff in the ag-cost share program and to provide financial support for local Soil & Water Districts.

3) \$900,000 to create a permitting system that will ensure that animal waste operations do not harm the environment.

The administration is committed to creating and helping fund an effective animal waste permitting program that will ensure that our state's farms are in compliance with environmental regulations. At the Governor's urging, the Blue Ribbon Commission on Agricultural Waste has recommended replacing the current deemed permit system with a general permit system. Individual non-discharge permits would be required for "bad actors" and others on a case-by-case basis. General non-discharge permits would be required for most other operations. Deemed permits would still apply for very small operations.

Legislation is also needed to eliminate agriculture's statutory exemption from permit fees. This will allow DEM to charge a permit application fee (payable once every 5 years) for animal operations consistent with fees charged to other industries. As is currently the case with permits for other sectors, an annual fee to cover the costs of oversight and enforcement (based upon size of the operation as measured by steady state

FUNDING BREAKDOWN: The \$913,255 (recurring) will fund and equip four additional monitoring positions in DEM.

8) \$587,701 to create a citizens' water quality monitoring program that will complement government efforts (4 positions).

We want to leverage our other resources by creating a citizens monitoring program to supplement government efforts. The Senate Select Committee on River Water Quality and Fish Kills has strongly endorsed this strategy, which not only increases monitoring resources, but also raises public awareness of water quality problems.

FUNDING BREAKDOWN: The \$587,701 (recurring) would fund four positions to serve as mentors and trainers for this citizens' effort.

9) \$205,000 to help end the discharge of raw sewage (straight-piping) to the state's rivers.

This program element would begin an initiative to end straight-piping of raw waste into our streams and rivers. This problem is particularly acute in our mountain region.

FUNDING BREAKDOWN: The \$205,000 would fund three positions to serve as the core of the program, which would identify straight pipes and use education and amnesty efforts to remove them.

10) \$150,000 to create a permit information center that will help citizens navigate through the permitting process.

The DEHNR Permit Information Center will be largely staffed by rotating personnel from various permitting units, but this allocation will pay for an office manager and clerical help. If we are to streamline our permitting efforts and make them more user friendly, then we must provide a central point of contact and source of information for all DEHNR permits. Permit applicants, particularly individuals and small business, often find it difficult to determine what environmental permits they are required to obtain and how to navigate the permitting process. The center will help identify permits that a business needs and refer inquiries to the appropriate divisions for more specific information. The center will serve as a repository for permit information (guidance materials, DEHNR Permit Assistance Directory and application forms) for easy distribution to the public. In addition, the center will oversee the Department's efforts to improve, simplify and standardize permit application forms and to provide training to permit applicants to improve the quality of their applications and thereby reduce permit processing time.

FUNDING BREAKDOWN: \$150,000 (recurring) for an office manager and a clerical position. Technical support will be provided by existing staff from DEHNR's permit program. They will be detailed to the center on a rotating basis.

11) \$800,000 to the Partnership for the Sounds to build or renovate environmental education facilities in Columbia, Washington, Lake Mattamuskeet and Windsor and a roadside overlook on Highway 94 between Columbia and Fairfield.

If our citizens are to be good stewards of the environment, then we must educate them early about what that means. The Partnership for the Sounds is leading environmental education and ecotourism in the Albemarle-Pamlico region. Capital investment in the Partnership will help it construct its four core environmental education facilities.