#1 Work to set ~~Develop resolution to have~~ a county or city rep to serve on this Clean Water Trust Fund Board of Trustees. ?

NEUSE RIVER BASIN REGIONAL COUNCIL
Wayne Center
Goldsboro, NC

August 16, 1996
9:30 am

AGENDA

9:00 am	**Executive Session**	**Executive Committee**
9:30 am	Call to Order & Welcome	George Wolfe
9:35 am	Self Introductions	All
9:45 am	Acceptance of Minutes	George Wolfe
10:00 am	Presentation Agriculture	 Wendell Gilliam Gary Bleau
10:30 am	Breakout Sessions: Research & Information Legislative Liaison Public Relations	Chairs Dr. John Costlow Margaret Holton Caroline Parker
12:00	Working Lunch	
12:30 pm	Reconvene	
12:35 pm	Reporting from Breakout Sessions & Discussion	Chairs
1:30 pm	Public Comment & Plans for Next Meeting	George Wolfe
1:45 pm	Adjourn	

members to provide summary on the course this group should take -
ideas on what needs to be done (3-5 targeted items)

- letter to all members to participate in the Sept. NSW hearings -

8-16-96

NRCBRC Meeting:

Wisconsin is mandating varied ~~lengths~~ widths of buffers.

Zebulon WWTP ~~recds~~ produces N at 3ppm. Some discharges are as much as 30 ppm N.

DSWC, DWQ, NRCS - targeted the 10 most troubled watersheds
- BMPs are targeted for those watersheds to get most benefit for our $$$

II - Gary Bleau - (CRAVEN CO.) PORK PRODUCER

Craven Co. is heavy in land application of wastes.

Walter Cherry - NC PORK PRODUCERS ASSOC.

#1 AG comodity in NC is ① PORK $1.3 billion in gross sales

↓

~ 70 AG comodities in NC

② BROILERS

③ TOBACCO

④ GREENHOUSE/NURSERIES

⑤ TURKEYS

State Total: ~ $7 billion from AG.

1995 - sold 11,454,523 pigs in NC

1996 - est. @ 13,274,000

Doesn't expect to see increases in hog farms due to the kill capacity being reached + the 500' setback requirement.

Sources of Pollution

- Animal Waste
  - Swine
  - Poultry
  - Dairy / Beef
- Row Crops
  - Chemical Fertilizer
  - Sedimentation
  - Decaying Organic matter
  - Ag Chemicals
- People Sources
  - municipal systems
  - Septic
    - Package plants
    - rec ~~fac~~ facilities (golf, marinas)
    - Improper Yards
    - Land fills
- Background Sources
  - naturally occurring
    - wildlife wastes
    - Plant wastes
  - atmospheric deposition
  - Chesapeake Bay Study (Jerry Hardesty)

Regs affecting animal operations

- General permit requirements by Jan '97
- 2 annual inspections / yr.
- waste applicators must be certified { 10 hr. course; 6 additional hours (education); pass a test
- waste mgmt. plans required
- increase fine for willful dischargers ($10,000 Fine / Day) — was $5,000/day
- Lagoons built to withstand a 25 yr., 24 hr. Storm
- Inspection / Testing required for Clay Lagoon liners (@ 18")
- Irrigation Design / Plan Req.
- Soil + Waste Test Req.
- Start / Stop Pumping Markers required

~~ESE~~

Setbacks -

- 1500 feet from residence
- 3500' from church, school, hospital
- 500' from property line
- 100' from wells
- 50' from property lines for spray fields

(?) Existing b/f Feb. '93:

- Structures @ 100' from perennial streams
- Veg. buffers @ 35' " " "

Educational/Research Prog.

- National Env. Assurance Prog.
- Waste Applicators
- Isotope Research (NCPPA contributed $100,000)
- $350,000 Odor Study (almost done) w/ Duke Univ.
- Lagoon Studies

3,013 hog lagoons in NC

next

Dr. Kelly Zering
@ NCSU

Comments of Draft of
Fiscal Analysis: Neuse River Nutrient Sensitive Waters (NSW)
Management Strategy
dated July 11, 1996

1. The presentation of the historical and present levels of nitrogen and phosphorous loading and of present and historical land uses in the Neuse basin is incomplete.

*** It appears that about 2,000 of the 9,000 miles of stream subject to buffers was in agricultural use. Are there additional miles of ditches and canals affected by the legislation? If so, the cost estimates must be increased to account for those miles.

2. It also appears that DEM has estimated average Total Nitrogen (TN) load at New Bern to be 8.7 million pounds per year. Based on some data, some assumptions and some calculations, DEM estimated that 2.1 million pounds TN per year at New Bern are due to point sources. The balance of 6.6 million pounds TN per year is attributed to nonpoint sources.

3. Based on an RTI study using 1987-1988 data on land use, DEM estimated "export coefficients" for nitrogen and phosphorous from various nonpoint sources. The nitrogen export coefficients cited in previous studies ranged from 4.46 to 12.75 pounds per acre per year for agricultural land. The median value of 8.74 was assumed. This compares to a median value of 2.08 for forest/wetland and 6.71 pounds of nitrogen per acre per year for developed land.
   - -- The edge of field "export coefficients " are apparently used for all agricultural land without regard for distance from New Bern.
   - -- The export coefficients make no distinction between pasture and cropland or between no-till versus conventional till cropland.
   - -- There is no consideration of "background" nitrogen discharges, that is nitrogen discharged by land in its "natural" state. Some discussion and letters to DEM suggest that the forested acres "export coefficients" are similar to the background level of discharge. For this reason forested areas are essentially excluded from proposed regulations.

4. DEM states that 1,378,048 acres or 34.69% of the land in the basin is in agricultural use.
   - -- Based on the export coefficients and land use in the basin, DEM estimates that 54% of annual TN at New Bern is from agricultural land, 13% from forestry, 6% from urban land, 3% from atmospheric deposition directly to open waters above New Bern, and 24% from point sources.
   - -- DEM has assigned a 30% reduction (625,000 pounds per year) in TN to point sources over the next 5 years and a 30% reduction (1,983,600 pounds per year) to nonpoint sources. The 30% reduction from nonpoint sources is assigned almost entirely to agriculture. About 12% of the reduction from nonpoint sources (234,900 pounds or 9% of the total reduction) is assigned to atmospheric and urban sources. The remaining 88% of reduction (1,748,700 pounds) from nonpoint sources seems to be

assigned to agriculture. This figure represents at 37% reduction for agriculture in gross terms. If one considers that at least 24% of estimated TN loadings from agricultural land are background loadings, then the reductions assigned to agriculture represent a 48% reduction in loadings above background. The document states that a 50% reduction in export coefficients for agricultural land is possible if the BMP's are adopted and the assumptions hold true.

-- A reduction of 1,000,000 to 1,200,000 pounds per year is projected from installation of forested buffers through the entire basin. The balance is projected to be achieved through nutrient management and drainage control on 804,780 acres of agricultural land. This acreage is calculated as 1,378,048 acres in farms in the basin times 73% of the acreage being in farms larger that 250 acres times 80% of the farms not yet adopting nutrient management.

-- **re. Fiscal Analysis:** The summary table on page 9 of the Fiscal Analysis on "Buffers Alternative 1" has an opportunity cost of $130,000 in year 3. I believe the actual figure is $1,300,000 so the annual totals is $2,213,500 and the 5 year total is $12,297,250. This also affects Total Costs in the table on page 12.

-- Fiscal analysis of **Buffer alternative 1** includes fixed costs of $250/acre to establish hardwoods on 50% of the 26,000 acres of agricultural land in the 50 foot buffer along blue line streams. The other 50% are assumed to be left to grow up in natural regeneration of forest without fixed costs. $250 x 13,000 acres = $3,250,000 total fixed cost and it is assumed to occur over two years so annual fixed cost is $1,625,000.

*** -- Apparently no grading or other costs are allowed to establish the sheet flow needed for the buffer to be effective.

-- Annual cost for buffer alternative 1 includes $14 per acre for maintenance of the buffer. This charge is applied to all 26,000 acres of converted agricultural land plus half of the 78,500 acres of existing forested buffers. Annual operating cost is therefore estimated at $14 x (26,000 + 39,250) = $913,500 per year.

-- Opportunity costs for buffer alternative 1 are estimated as the annual lost crop income above variable costs for a corn wheat soybean rotation (p. 155) at $50 per acre per year. This cost is applied to half the acreage the first year and all 26,000 acres in subsequent years. $50 x 26,000 = $1,300,000 per year.

*** -- In my opinion, the opportunity cost selected ($50/acre) is too low. As is correctly stated on page 156 of the Fiscal Analysis, the <u>average</u> net income per acre from crops is $146. The figure $50 per acre is only average land <u>rent</u> on cotton acres or <u>net income</u> on an average yielding corn, soybean, wheat rotation. The high yielding land that is likely to be taken out of production will likely result in net income losses closer to the $146 per acre figure.

*** -- Property taxes should be addressed explicitly for both the landowner and for the local governments affected.

*** -- In my opinion, the method of calculating opportunity costs excludes additional operating costs in fields affected by the buffers. A good case in point was presented in the newspaper last week. A field with drainage ditches every 200 feet has half the land converted to buffers. The costs of cultivating the remaining land are substantially

increased since tractor operations are less efficient (more turns and distance traveled per cultivated acre). The additional costs include tractor repairs, depreciation, interest, fuel, lubrication, and operator time.

*** -- In my opinion, the opportunity costs of development are also understated. I agree with the analysis where the waterway affected is a small or intermittent stream. I think the buffer area has real development opportunity cost where the waterway is a scenic stream or river (for example, development along the Neuse in New Bern and surrounding areas).

Buffer Alternative 2: It is assumed that 25% of agricultural land in the buffer will be allowed to naturally regenerate to forest at no fixed cost, another 25% will naturally regenerate to nonforested vegetation at no fixed cost, 25% will be planted to hardwoods at $250 per acre, and 25% will be planted to fescue at $162 per acre. The 30 foot buffer option for forested buffers results in only 20,800 acres being affected with a calculated fixed cost of $2,142,400.

*** -- Are there additional miles of ditches and canals affected by the legislation? If so, the cost estimates must be increased to account for those miles.

-- Annual operating cost is estimated at $14 per acre on 20,800 acres of converted agricultural land and on half of the 47,100 acres of existing buffer.

-- Annual operating costs were calculated as $50 per acre on 20,800 acres of agricultural land for an annual cost of $1,040,000.

*** -- The same concerns about opportunity cost exist for this option as for buffer alternative 1 above.

Nutrient Management Requirements Alternative 1

-- Planning costs are calculated as a $5 per acre charge for preparing a plan. Applied to 804,780 acres in the basin, the charge results in a cost of $4,023,900. The cost is allocated over two years and recurs every third year.

*** -- There is no planning cost included to account for farm operator time spent in the planning process. Operator cost may also be $5 per acre.

-- Operating costs are calculated as $1 per acre every 2 years resulting in an annual cost of $0.50 x 804,780 = $402,390.

*** -- No cost for operator time in plan compliance, review, and record maintenance are included.

-- The suggested fertilizer savings in Wisconsin are probably larger than what can be expected in North Carolina. Disposal of dairy waste on fields that were subsequently fertilized for crop reduction may account for the Wisconsin savings cited. Some fertilizer savings may be achieved in North Carolina. A local study would be helpful.

Nutrient Management Requirements Alternative 2

-- Public and private recreational lands greater than 10 acres in size and land receiving fertilizer from commercial applicators are included in this alternative. This adds 33,758 acres to the total land affected in the basin for a total of 838,358 acres.

-- A planning charge of $5 per acre is included for a cost of $4,191,790 spread over two years and recurring every three years.

-- Annual operating costs include soil tests on half the acreage at $1 per acre for a total

cost of $419,179.

*** -- The same comments on costs apply as in Nutrient Management Requirements Alternative 1 above.

Summary

-- A problem not addressed in the rules is that costs of buffers will vary widely from field to field depending on the current use of the field, the size and shape of the field, and location and alignment of regulated waterways in or near the fields. No distinction is made between pasture, no-till and conventional till cropland. Costs and benefits will vary greatly across these land uses.

-- Opportunity costs listed in the analysis are average at best and are likely understated for the reasons listed above.

-- The nutrient management options do not account for the planning and compliance costs imposed on farmers by the regulations.

-- A very large portion of the hopes for reduced nitrogen discharges to the Neuse are being placed on farmers in the basin. Farmers will receive few if any of the hoped for benefits of the reduced discharges.

Report prepared by: Dr. Kelly Zering
Extension Specialist/Associate Professor Agricultural & Resource Economics
NCSU

John D. Costlow

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(919) 728 5327 FAX

Wed, Jul 10, 1996

Mr. Guy Stenfanski
DEM
DEHNR
P.O.Box 29535
Raleigh, N.C. 27626-0535

-715-
919-733-5637

FAX: 919 733 2496

Dear Guy,

Many thanks for passing along a copy of "A Landscape Atlas of the Chesapeake Bay Watershed". Superficially, it appears to be a compilation of GIS data layers and may have application relative to the Neuse River Basin effort.

Incidently, I have now received "volumes" of the effort expended by Anne Taylor's, "Office of Environmental Education". This includes:

"Citizens Guide to Neuse River Basin Environmental Education Programs and Resources"

"Teacher's Guide to Environmental Education Programs and Resources"

"Neuse River Basin Supplement to the Teacher's Guide to Environmental Education Programs and Resources"

All of these, plus the list of TV stations, should be introduced to the members of the NRBAC at our next meeting, if only to be certain that our subcommittee, as well as the general members who are "interested", are aware of them and, hopefully, will find a use for them.

As you know, next Tuesday, 14:00 hrs., I expect to be in Raleigh for a meeting dealing with GIS and expect to see you and Joan there. Also, the next day, at 10:00 hrs., we will meet to discuss the feasibility of my proposed "N.C. Mobile Coastal Exhibit".

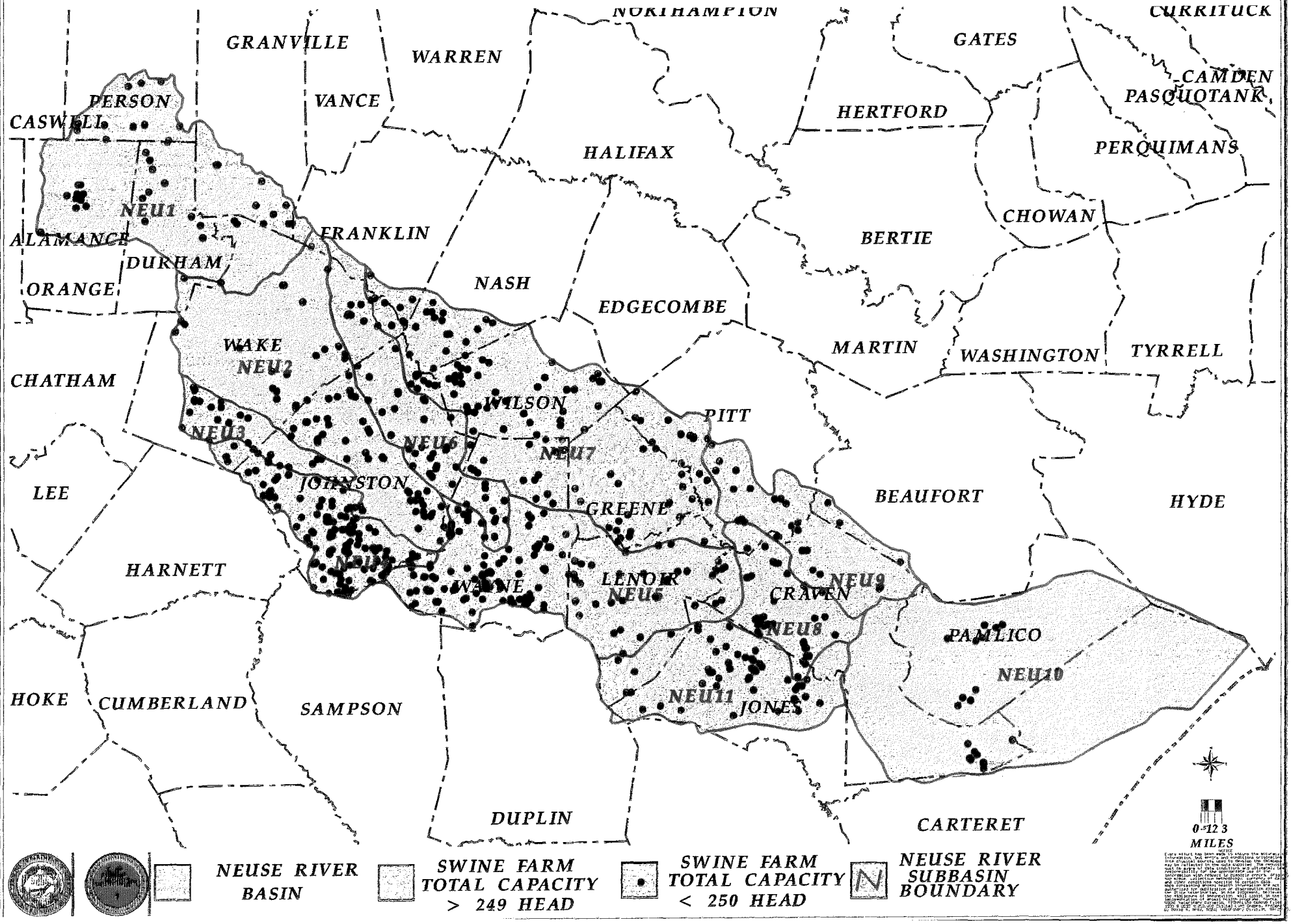
Since these two meetings will require me to spend the night, please give me a call on one or more "suitable" motels within striking distance of the city. I have not spent the night in Raleigh since the "good ol' days" when I was chair of the Marine Fisheries Commission and can't really remember just where we stayed.

See you then,

Sincerely,

John D. Costlow
Professor Emeritus

SWINE FARMS IN THE NEUSE RIVER BASIN



LEGISLATIVE REPORT....August 16, 1996 NEUSE RIVER BASIN REGIONAL COALITION

Margaret Holton

The 1996 NC LEGISLATIVE SHORT SESSION came back to town on July 8 at the call of Governor Jim Hunt after they had adjourned on June 21 without a budget due to political differences.

It took two weeks after July 8 for lawmakers to even begin to negotiate the SHORT SESSION YEAR budget which supplements the two-year budget of 1995. The citizens of North Carolina were greatly concerned about EDUCATION and the ENVIRONMENT and the LEGISLATURE finally came through with a decent budget on August 3. The Legislators had passed SB 1217---AGRICULTURE WASTE REGULATION (Short name), and SB 1128---CLEAN WATER MANAGEMENT TRUST FUND, BUT NO FUNDS.

SHORT REVIEW of SB 1217---AN ACT TO IMPLEMENT RECOMMENDATIONS OF THE BLUE RIBBON STUDY COMMISSION ON AGRICULTURAL WASTE.

Technical Assistance including plans for Animal Waste Management Systems and operations reviews will be provided by the Division of Soil and Water Conservation.

Permitting, inspection and enforcement will be vested in the Division of Environmental Management, since July 1 is the Division of Water Quality. Hog farms will be inspected 2 times a year. New Hog Farms must get state permits to operate. Their neighbors will get more breathing room of 500 ft. from property lines. Inspectors are to enforce tougher laws for the 4000 or more Hog Farms, most of which are industrial size operations.

The Neuse River Clean-up Initiative has been appropriated more than $6 million to clean up the basin and protect its waterways. The Neuse River Clean-up Program was given $4.8 million and the Division of Water Quality has a budget of $1.6 million to hire 32 Inspectors to enforce stricter laws in order to protect water quality.....

Other Funds:
Animal Waste Technical help and Research....$2.6 million.
Agriculture Cost-share program to cut water pollution....$6 million.

SB 1128---CLEAN WATER MANAEMENT TRUST FUND

Clean water and wetlands restoration program....$47 million.

These funds are to come out of Reversion Funds. The Clean Water Fund, which was intended to clean up polluted rivers, now includes a provision to protect urban drinking water supplies that are not yet in trouble. These funds are to be distributed through grants.

ANNOUNCEMENT OF PUBLIC HEARINGS ON THE PROPOSED NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY FOR THE NEUSE RIVER

NORTH CAROLINA ENVIRONMENTAL MANAGEMENT COMMISSION

When and where will the hearings be held?

Date: September 9, 1996 (Monday), 7:00 P.M.
Location: Raleigh, State Highway Building Auditorium
Address: 11 S. Wilmington Street, Raleigh, North Carolina
Directions: Across from the east side of the Capitol in downtown Raleigh.

Date: September 10, 1996 (Tuesday), 7:00 P.M.
Location: Goldsboro, Wayne Community College, Learning Center Auditorium
Address: 3000 Wayne Memorial Drive, Goldsboro, North Carolina
Directions: From Highway 70 East, take the Wayne Memorial Drive exit to the left, pass a hospital on the right and the college will be on your right.

Date: September 11, 1996, (Wednesday), 7:00 P.M.
Location: New Bern, Craven County Courthouse
Address: 302 Broad St., New Bern, North Carolina
Directions: From Highway 70 East Bypass, take the East Front St., cross the Trent River toward downtown New Bern, make a left at Broad Street, then a right at Craven St. The Courthouse will be on your right.

Date: September 12, 1996, (Thursday), 7:00 P.M.
Location: Kinston, Lenoir Community College Auditorium
Address: 231 Highway 58 South, Kinston, North Carolina
Directions: From Highway 70 East Bypass, take the Highway 58 South exit (toward Trenton). Enter the college from Highway 58 South and the Auditorium will be the first building on the left.

Why are public hearings being held?

In 1988, the Environmental Management Commission (EMC) classified the entire Neuse River Basin as Nutrient Sensitive Waters (NSW). They adopted this classification due to nutrient-related water quality problems in the freshwater sections between Kinston and New Bern. At that time, the EMC adopted a Nutrient Management Strategy to improve water quality in the river. This initial NSW strategy addressed phosphorus reductions through point source controls and nitrogen from the voluntary implementation of agricultural best management practices (BMPs). The strategy was successful and phosphorus loading has declined due to these point source controls and the phosphate detergent ban.

Even with the management measures adopted in the initial NSW strategy, water quality problems in the lower Neuse River continue, especially below New Bern. For example, during July, September, and October 1995, widespread fish kills occurred in the Neuse River, mainly from New Bern to Minnesott Beach. Millions of fish were killed. The water was lacking oxygen near the surface and algal blooms were common.

Because of these continued water quality problems, the EMC intends to revise the NSW strategy and to focus on nitrogen loading to the estuary. The Division of Water Quality (DWQ) is holding public hearings on behalf of the EMC to share the

proposed NSW rules with interested people and to receive public comments. We will accept any comments and suggestions that you have on the proposed rules. We will share your comments and suggestions with the EMC before they make their final decision on what to adopt as rules. Your comments and suggestions can help to make the final set of rules and overall strategy a better solution for all parties involved.

What does the proposed strategy require?

The goal of the proposed strategy is to reduce by 30% the 1991-1995 average annual load of nitrogen from point and nonpoint sources to the river by the year 2001. This decrease in nutrient loading should lessen the water quality problems in the future. The proposed rules would require additional management actions for the following components.

Nutrient reductions for ***point source dischargers*** would reduce the nitrogen load that is directly discharged to the Neuse River and associated streams. The proposed wastewater discharge requirements include:

- Proposed prohibition on new small domestic discharges less than or equal to 0.5 million gallons per day (MGD),
- Proposed total nitrogen and total phosphorus limits for some dischargers in the basin based on type, new or existing status, size, and location within the river basin. Proposed total phosphorus limits for nonindustrial facilities range from 1 to 2 milligrams per liter (mg/l). Proposed total nitrogen limits for nonindustrial facilities would be 6 mg/l. Nutrient limits for existing industrial facilities would be based on a case-by-case determination and best available technology.
- Proposed option for formation of a nutrient trading association below Falls Lake Dam. Members of the Association would receive individual total phosphorus limits and collective total nitrogen loading targets. Nitrogen loading above the nitrogen loading target would require payment for the implementation of best management practices to reduce nutrient loading from other sources in the basin.
- Proposed permit limits and requirement to pay for best management practices to offset their nutrient loading contribution for new dischargers not in the Association.

A program to remove and prevent ***illegal discharges*** would be required for municipal governments having a population greater than 5,000. There are 13 local governments which would need to develop this program.

Two alternatives are proposed for ***stormwater management*** as follows:

- One proposed alternative would be implemented by the state and reduce nitrogen from new development through low and high density development options.
- The second proposed alternative would allow local governments to work with the state to develop a collective stormwater management plan for those portions of the basin not currently covered by an existing stormwater management program (for example, coastal counties, water supply watersheds, outstanding resource waters). If the local government chose not to implement the collective plan for their jurisdiction, then DWQ would implement stormwater management controls for new development through a low and high density development option. The collective plan would address nitrogen reduction from both new and existing development.

Two alternatives are being proposed for ***animal waste management.*** The EMC approved these two alternatives for public hearing before the 1996 North Carolina General Assembly adjourned. During the 1996 session, a bill (Senate Bill 1217) was ratified that establishes a permitting and inspection program for animal operations. The requirements of SB 1217 will render the proposed rule alternatives for animal operations unnecessary. Any animal waste management rules that the EMC adopts as part of the NSW strategy for the Neuse River will reflect the requirements of Senate Bill

1217. Briefly, SB 1217 will require a permitting program using general and individual permits for animal operations based on size of operation. The bill also contains a permit fee schedule, a requirement for yearly inspections by DWQ, and an annual review of animal operations by technical specialists.

Two alternatives are being proposed for ***riparian buffers***. Forested buffers are very effective in reducing nitrogen loading to surface waters, especially from subsurface water flow. They also prevent erosion and stabilize streambanks. Both proposed alternatives would:

- Require a 50-foot buffer along certain streams and other waterbodies. The first proposed alternative would require a forested buffer, while the second proposed alternative would require a vegetated buffer.
- Provide a matrix of width options to account for regional variations in soil type and topography.
- Provide for the formation of an interagency review committee to make site-specific buffer determinations based on providing equivalent protection.
- Allow ***exemptions*** for streams and ditches not shown on USGS topo maps, existing development, first order ditches (for example, most field ditches), agricultural lands on which both nutrient management and water control structures (with a water management plan) are used, silvicultural ditches and new water dependent structures.
- Allow ***modifications*** to the buffer requirement for agricultural lands on which either nutrient management or water control structures are used, tobacco allotments, maintenance of drainage canals and ditches, and tile drainage.
- Provide an option for voluntary local government assumption of the buffer program.

Two alternatives are being proposed for ***nutrient management***. Nutrient management reduces losses of nitrogen from lands, while increasing the efficiency of nutrient use and improving application timing. It can maintain high crop yields while saving money.

- The first proposed alternative applies to contiguous areas of agricultural land greater than or equal to 250 acres which are under individual or multiple ownership and receiving nutrients.
- The second proposed alternative applies to these same agricultural lands but also to recreational land where nutrients are applied to greater than or equal to 10 acres and land receiving nutrients from commercial applicators.
- Both proposed alternatives require the landowner to be responsible for the nutrient management plan (unless there is a commercial applicator or the responsibility is transferred to a leasee through a written agreement). Commercial applicators would develop generic plans for various types of turfgrass and horticultural settings.

What is the format of hearings?

Five hearing officers have been designated to conduct the public hearings and make recommendations to the EMC for their consideration. After an introduction by the Lead Hearing Officer designated for each hearing, DWQ staff will describe the requirements of the proposed rules. Then the hearing will be opened for public comment on a first-come, first-serve basis, in the order of registration. The Hearing Officer may limit the length of time that you may speak so that all those who wish to speak have the opportunity to do so. In addition to making verbal comments at the hearing, we encourage you to submit written comments. The written comment period will remain open through October 14, 1996.

How can I get more information about the proposed rules and the hearings?

DWQ has prepared several documents to help you understand what the EMC is proposing for the Neuse River NSW Management Strategy. The documents are of varying length and detail, and may be focused on specific aspects of the proposed rules. The following documents are available:

1) Executive Summary of the Concept Paper on the Draft Plan- a nine page summary of the proposed rules.
2) Concept Paper on the Draft Plan- a comprehensive discussion of the proposed rules and overall strategy. Includes a full copy of the proposed rules. (Approx. 260 pages)
3) General Summary of the Draft Plan- a descriptive summary of the proposed rules. Includes a full copy of the proposed rules. (Approx. 100 pages)
4) Executive Summary of the Draft Fiscal Analysis- a 36-page summary of the estimated fiscal impact.
5) Draft Fiscal Analysis- a comprehensive discussion of the estimated fiscal impacts of the proposed rules to local governments, other affected parties and the implementing agencies. (Approx. 300 pages)
6) Accountability Issues- a description of the process that will be used to estimate and measure the progress towards nutrient reduction goals. (Approx. 45 pages)
7) Subject Notice Comments- a summary of verbal comments received at the public workshops held in May 1996 and a copy of written comments received. (Approx. 120 pages)

You may request these documents by calling Marsha Byrd at (919)733-5083, ext 558. If possible, please refer to the document number listed above (for example, #1-#7) when making your request.

How can I submit comments on the proposed strategy?

We will accept your verbal and written comments during the hearings. We will also accept your written comments before or after the hearings, but no later than October 14, 1996. You may submit your comments to :

David Harding
DEHNR/Div of Water Quality
Water Quality Section
Planning Branch
P.O. Box 29535
Raleigh, NC 27626-0535

What happens after the hearings?

All interested and potentially affected persons are strongly encouraged to read this entire announcement and supporting information and make comments on the proposed rules. The EMC may not adopt a rule that differs substantially from the text of the proposed rule published in the North Carolina Register unless the EMC publishes the text of the proposed different rule and accepts comments on the new text. (See 150B 21.2(g)) The proposed effective date of the final rules is July 1, 1997.

2300 copies of this public document were printed at a cost of $188.60 or $.08 per copy.

DIVISION OF WATER QUALITY

August 21, 1996

Memorandum

TO: Steve Tedder

FROM: Greg Thorpe

SUBJECT: Acknowledgement of staff participation in Neuse River tours conducted by the Neuse River Foundation

Background: Rick Dove (Neuse River Foundation) is offering tours of the Neuse River by air and water to members of the Neuse River Basin Regional Council and other interested parties (i.e., staff of the Division of Water Quality). The tour can accommodate up to eight people and will be offered sporadically over the next several months. Mr. Dove, who has made this offer a number of times in several forums, has indicated that the only way to truly appreciate what is going on in the Neuse is to take a flight over the river.

Several staff members from the Division of Water Quality have expressed an interest in participating in this tour. It is known that staff will be in boats and airplanes facilitated by the Neuse River Foundation. All pilots are fully licensed, certified, and insured at the levels appropriate to conduct such an event. As you are aware, the Office of State Budget has indicated that state employees have the necessary insurance coverage to participate in these tours.

Staff members who have expressed an interest in the tour include:

Greg Thorpe	Beth McGee
Boyd DeVane	David Harding
Alan Clark	Brian Bledsoe
Guy Stefanski	Joan Giordano

Please sign below, acknowledging that you are in agreement with staff participating in this event and that they are covered with the proper insurance levels and may participate as official state business. Thank you.

8/21/96

Steve W. Tedder, Chief
Water Quality Section

tober 8, 1996 50 cents

■ Agricultural pollutants

Farmers may sue state over buffers

By Steve Jones
Senior Writer

TRENTON — A coalition of farmers is forming to sue the state if officials won't come clean with information about agricultural pollutants.

"Agriculture doesn't need to take the brunt of things," Jones County Commissioner Horace Phillips said of a plan to reduce nitrogen input into the Neuse River by 30 percent. "They need to go back and find the source."

The Environmental Management Commission (EMC) plan is part of the state's initiative to clean up the waterways in its 17 river basins. The General Assembly approved nearly $60 million in special programs for a Neuse River cleanup during its short session this summer.

Phillips and Commissioner Sondra Riggs lashed out at the state plan for agriculture, which would be extended to other river basins once it is implemented on the Neuse. They want Jones County to do its own pollution source testing to check on the state's contention that 75 percent of river pollution is coming from farms.

"The growth in the basin is not in row crops," said Phillips. "It's in residential, commercial and industrial."

Riggs said that figures she got Monday morning from the Resource Conservation Service show that Jones County has reduced nitrogen use by 40 percent in the last five years.

The reason the reduction was possible, she explained, was because farmers have planted 50 percent less corn over the time period due to depressed prices for the commodity. At the same time, the number of Jones agricultural acres planted in cotton, which uses less nitrogen per acre than cotton, has grown.

Riggs disputed the state's call for forested buffers between the river and farmland and for 50-foot buffers along fieldside ditches. She said she flew over the Neuse River recently and estimated that 98 percent of riverfront property is already forested.

"We need to put them in federal court and make them prove (the statistics) to us," said Riggs.

She said she has heard from thousands of farmers in North Carolina who would support such a suit and has talked with an out-of-state lawyer who told her the farmers have a good case.

But she said no organization has yet been formed to file a suit nor has any money been collected to do so. Phillips said he would contribute to the cost, if a suit is filed.

"The problem we have," said Riggs, "and Jim Hunt needs to be aware of it, most of these (state environmental management) jobs are political appointments. They know absolutely nothing about farming."

"They're using a lot of opinions and estimates," said Phillips. "They're not using the facts."

The fact, he said, is that Jones County is already three-quarters forested. A farmer himself, he said that neither farmers nor the county treasury could stand the implementation of the 50-foot buffer rule.

Phillips said he had the Resource Conservation Service and the Jones County Cooperative Extension Service figure out how the rule would affect 302.2 acres he farms.

According to a summary of the report, 55.5 acres now farmed would have to be converted either to fieldside buffers or forested land.

See **BUFFERS**/A2

A lose-lose situation?

The effect of implementing state's mandated farm buffers on the Jones County farm of Horace Phillips:

Total acres	302.2
Buffered grass or small grain required	11.1
Buffered forest required	55.5
Cost for converting buffered acres	$12,476.40
Net loss in valuation	$63,825.00
Loss of county property tax	$536.13

CONTINUED FROM A1

Buffers

To do so would cost $12,476.40, would take more than 18 percent of the land and would lower his property's valuation by $63,825.

That drop in valuation would cost the county $536.13 a year in taxes, an amount if multiplied by all the farm acres in Jones County could mean a hefty increase in the tax rate to make up for the loss.

At 84 cents per $100 valuation, Jones County has one of the top 20 highest ad valorem tax rates among North Carolina's 100 counties.

"You keep right on cutting (revenue)," said Phillips, "this county can't survive."

Sam Nunn won talk politics afte days in the Sen

Don't count on any political lectures from Sen. **Sam Nunn** once he

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION
RATIFIED BILL

CHAPTER 572
HOUSE BILL 1339

AN ACT TO IMPROVE WATER QUALITY BY ESTABLISHING A GOAL TO REDUCE THE AVERAGE LOAD OF NITROGEN DELIVERED TO THE NEUSE RIVER ESTUARY FROM POINT AND NONPOINT SOURCES BY A MINIMUM OF THIRTY PERCENT OF THE AVERAGE ANNUAL LOAD FOR THE PERIOD 1991 THROUGH 1995 BY THE YEAR 2001 AND TO REQUIRE THE ENVIRONMENTAL MANAGEMENT COMMISSION TO DEVELOP A PLAN TO ACHIEVE THIS GOAL, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. The General Assembly hereby determines that it should be the goal of this State to reduce the average annual load of nitrogen delivered to the Neuse River Estuary from point and nonpoint sources by a minimum of thirty percent (30%) of the average annual load for the period 1991 through 1995 by the year 2001 and any further reductions that may be achieved to protect water quality, with incremental progress demonstrated each year. The Environmental Management Commission shall develop and adopt a plan to achieve this goal. In developing this plan, the Commission shall determine and allow appropriate credit toward achieving this goal for reductions of water pollution by point and nonpoint sources through voluntary measures.

Sec. 2. The Commission shall publish a proposed plan to achieve the goal established by this act in the North Carolina Register by 1 November 1996. The Commission shall adopt the plan as provided in Article 2A of Chapter 150B of the General Statutes.

Sec. 3. The Environmental Management Commission shall annually report to the Environmental Review Commission as to its progress in developing and adopting the plan required by this act and as to progress in implementing the plan and achieving the goal established by this act. The Environmental Management Commission shall make its initial report to the Environmental Review Commission on or before 1 November 1996.

Sec. 4. The Commission may adopt temporary rules to implement the provisions of this act.

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 19th day of June, 1996.

Dennis A. Wicker
President of the Senate

Harold J. Brubaker
Speaker of the House of Representatives