

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 1351

Short Title: Develop Riparian Buffers.

(Public)

Sponsors: Senators Odom, Albertson, Conder, Martin of Pitt, Perdue, Rand; and Ballantine.

Referred to: Agriculture/Environment/Natural Resources.

May 27, 1996

A BILL TO BE ENTITLED

AN ACT TO DEVELOP RIPARIAN BUFFERS TO PROTECT WATER QUALITY AND NATURAL RESOURCES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-214.7 reads as rewritten:

"§ 143-214.7. Stormwater runoff rules and programs.

(a) Policy, Purpose and Intent. – The Commission shall undertake a continuing planning process to develop and adopt a statewide plan with regard to establishing and enforcing stormwater rules for the purpose of protecting the surface waters of the State. It is the purpose and intent of this section that, in developing stormwater runoff rules and programs, the Commission may utilize stormwater rules established by the Commission to protect classified shellfish waters, water supply watersheds, and outstanding resource waters; and to control stormwater runoff disposal in coastal counties and other nonpoint sources. Further, it is the intent of this section that the Commission phase in the stormwater rules on a priority basis for all sources of pollution to the water. The plan shall be applied evenhandedly throughout the State to address the State's water quality needs. The Commission shall continually monitor water quality in the State and shall revise stormwater runoff rules as necessary to protect water quality. As necessary, the stormwater rules shall be modified to comply with federal regulations.

1 (b) The Commission shall be authorized and directed to implement stormwater
2 runoff rules and programs for point and nonpoint sources on a phased-in statewide basis.
3 The Commission shall consider standards and best management practices for the
4 protection of the State's water resources in the following order of priority:

- 5 (1) Classified shellfish waters;
- 6 (2) Water supply watersheds;
- 7 (3) Outstanding resource waters;
- 8 (4) High quality waters; and
- 9 (5) Other waters where the Commission finds control of stormwater is
10 needed to meet the purposes of this Article. Provided however, that
11 prior to implementation of rules under this subdivision (5), the
12 Commission shall consult with the Environmental Review Commission.

13 (c) Chapter 150B of the General Statutes governs adoption of rules by the
14 Commission.

15 (d) The Commission shall adopt rules to establish a matrix of minimum riparian
16 buffers to protect water quality and to restore impaired water quality. Buffers may be
17 used to filter pollutants such as sediment, nutrients and pesticides in surface water runoff,
18 and subsurface flows. To the maximum extent practical, existing buffers should be
19 maintained and where buffers do not exist, a proactive program to restore those buffers
20 should be initiated. The Commission shall provide alternative options for landowners to
21 seek site-specific determination of buffers upon a showing of equivalent water quality
22 protection. In developing the matrix of buffers and site-specific alternatives, the
23 Commission shall incorporate regional variations in soil types and in topography and
24 shall be subject to the following considerations:

- 25 (1) Appropriate riparian buffers may be required on both sides of public
26 surface water bodies.
- 27 (2) Riparian buffers may be modified based on impacts on existing
28 development, crop allotments, maintenance of drainage features and
29 diminimus activities which would not otherwise compromise the
30 integrity of the water quality, and may include alternatives such as
31 implementation of best management practices or nutrient management
32 plans designed to reduce water pollution and protect water quality.
- 33 (3) Riparian buffers shall not be required along ditches or man-made
34 conveyances which, under normal conditions, do not receive drainage
35 water from any tributary ditches, canals, or streams.
- 36 (4) Regional alternatives to the buffer requirement may be developed in
37 cooperation with the Directors of the Division of Environmental
38 Management and the Division of Soil and Water of the Department, the
39 Cooperative Extension Service, and the Natural Resources Conservation
40 Service to provide options for landowners in lieu of or in conjunction
41 with site-specific riparian buffers.

42 (e) A riparian landowner may propose a site-specific option that is different from
43 both the buffers established by the Commission through the matrix, as well as the

1 regional alternatives. These unique proposals shall be considered by regional advisory
2 committees appointed by the Department and comprised of staff with expertise in soil
3 and water conservation and water quality protection. The regional advisory committees
4 shall work with landowners to develop and shall evaluate the alternative proposal. If the
5 proposal meets the same water quality standard as either the Commission's matrix of
6 riparian buffers or the regional alternatives, the Department shall authorize the riparian
7 landowner's site-specific option. The Department may require appropriate water quality
8 monitoring for riparian landowners who have approved original alternatives to verify
9 their effectiveness in water quality protection."

10 Sec. 2. A unit of local government may submit a written request to the
11 Department to implement and manage the riparian buffer requirements within their
12 jurisdiction subject to terms provided by the Department.

13 Sec. 3. There is appropriated from the General Fund to the Board of
14 Governors of The University of North Carolina the sum of twenty-five thousand dollars
15 (\$25,000) for the Sea Grant College Program of North Carolina State University to be
16 used as matching funds to develop a matrix to determine appropriate buffers to protect
17 water quality in the Neuse River Basin.

18 Sec. 4. This act becomes effective upon ratification and applies only to those
19 counties that lie in whole or in part in the Neuse River Basin.