

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE DRS15122-MH-103 (03/13)

Short Title: Nutrient Management Standards Reform Act. (Public)

Sponsors: Senators Gunn and Wade (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO REVISE THE NUTRIENT MANAGEMENT STANDARDS APPLICABLE TO
THE JORDAN LAKE WATERSHED.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Definitions. – "Riparian Buffer Rule" means 15A NCAC 2B .0267 (Jordan Water Supply Nutrient Strategy: Protection of Existing Riparian Buffers) for purposes of this act.

SECTION 1.(b) Riparian Buffer Rule. – Until the effective date of the revised permanent rule that the Environmental Management Commission is required to adopt pursuant to Section 1(c) of this act, the Commission and the Department of Environment and Natural Resources shall implement the Riparian Buffer Rule as provided in Section 2 of this act.

SECTION 1.(c) Additional Rule-Making Authority. – The Commission shall adopt a rule to replace the Riparian Buffer Rule. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section shall be substantively identical to the provisions of Section 2 of this act. Rules adopted pursuant to this section are not subject to G.S. 150B-21.9 through G.S. 150B-21.14. The rule adopted pursuant to this section shall become effective, as provided in G.S. 150B-21.3(b1), as though 10 or more written objections had been received, as provided by G.S. 150B-21.3(b2).

SECTION 2.(a) The Commission shall give primary implementation responsibility for the Riparian Buffer Rule to the Department, unless a unit of local government requests authority to implement some or all of the Riparian Buffer Rule.

SECTION 2.(b) The Commission shall exempt nonelectric utilities impacting the riparian buffer with an other than perpendicular crossing, when those impacts are limited to Zone Two of the buffer. For purposes of this subsection, "exempt" shall have the meaning set forth in the Riparian Buffer Rule's requirements for categories of use.

SECTION 2.(c) The Commission shall add piping of streams as a new category of allowable use when the piping is allowed under a permit issued by the United States Army Corps of Engineers. For purposes of this subsection, "allowable" shall have the meaning set forth in the Riparian Buffer Rule's requirements for categories of use.

SECTION 3. Effective date. – Section 1(b) of this act expires when permanent rules to replace Section 1(b) of this act and meeting the requirements of Section 2 of this act have become effective.

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

