

## **Protect water quality and sea turtles: Oppose SB 434 “Amend Environmental Laws 2”**

*Sponsors: Sens. Sanderson, Cook, Wells*

### Repeal Yard Waste Permitting Requirements - Section 1:

- This provision is troublesome because N.C. has had problems in the past with yard waste composting facilities (which would presumably become exempt from permitting as "treatment" or "processing" facilities). In addition to "stump dump" fires, some of these facilities have been associated with significant water quality problems as a result of runoff. Uncontrolled, these kind of facilities can be a breeding ground for disease vectors like rodents, fire hazards, and methane (a potent greenhouse gas) generators.

### Plastic Bag Ban Repeal - Section 1.1:

- The plastics industry has spent millions of dollars challenging plastic bag ordinances.
- The goal of these bans is to protect the environment and help preserve the tourism industry. Litter is bad for tourism, and plastic bags pose a hazard to sea turtles and other wildlife.
- The official tourism authority for the Outer Banks highlights the plastic bag ban on their website: "The Outer Banks is the only East Coast destination banning thin plastic bags that damage our natural environment and harm wildlife."
- The Outer Banks Chamber of Commerce recently surveyed its 1,100 members and all but 2 of nearly 500 responses oppose any bill that attempts to lift the ban.
- Local communities do not want this to be repealed: Kill Devil Hills, Dare County, Kure Beach, Carolina Beach, Nags Head, and Manteo have all recently passed resolutions opposing lifting the ban.
- Leatherback sea turtles mistake plastic bags for jellyfish - their main food source - and ingest them, causing digestive blockage, which can lead to death. Many other marine animals are also negatively impacted by plastics in the ocean.
- The N.C. barrier islands are where sea turtles come to nest. North Carolina has some of the most important sea turtle nesting areas on the East Coast, due to the proximity of the islands to the Gulf Stream. The waters adjacent to the barrier islands, because they serve as habitat for the turtles, are particularly sensitive to waterborne debris pollution.

### Local government Riparian Buffer Uniformity Section 2

- This section would roll back local governments' authority to protect water quality using the proven method of riparian buffers in zoning, subdivision control, flood control, water supply watershed protection and special permits.
- This proposal would change a process set up only 2 years ago by the 2015 legislature in House Bill 44 that requires local governments to go before the Environmental Management Commission (EMC) to justify buffers wider than required by state or federal law by providing scientific studies that show the buffer would protect water quality.
- S434 would further limit local governments by removing the EMC process and outright disallow any buffers more strict than state, unless in permit. Then if in permit - when the permit expires - so would the ability to have wider buffers than state. This goes too far in limiting local governments' ability to protect water quality.

- Science points to protecting forested buffers as the least expensive way to maintain watershed health. Reducing the integrity of buffers to accommodate special interests shifts the cost of cleanup to towns, counties and farmers, who will have to implement more costly pollution controls. Compromising buffers shifts the burden of cleanup to taxpayers who will bear the increased cost of upgrading expensive water treatment infrastructure.

#### Amend Rule for Protection of Existing Buffers in the Jordan Lake Watershed to Exempt Certain Applicability Requirements for Public Safety - Section 2.1

- This section is unnecessary. Existing buffer rules allow for maintenance of vegetation in the buffer. The rules allow pruning of trees, removal of trees that are a safety hazard, and removal of understory nuisance vegetation. But, under the current rule, these activities must protect water quality to the extent practicable; under Sec. 2.1 of S434, there's no requirement to make any effort to protect water quality.

#### Nutrient Management Regulatory Framework Revisions - Section 7.1

- This provision delays the *start* of readoption of the Falls Lake cleanup rules for another two years, to December 2024, and delays the deadline to meet initial cleanup obligations - returning the lake to where pollution levels were when this process started in 2006 - until the *end* of that rulemaking process, which has no deadline. It similarly delays any effort to reduce pollution below 2006 levels.
- The provision desperately needs a deadline for the new cleanup rules to be adopted, and there is no good reason to delay the 2006 goal beyond December 2020, since communities can and should be working on that now.

#### Repeal Catawba Buffer Rules - Section 7.2

- Riparian buffers protect water quality. This section would completely eliminate buffers currently required on the main stem of the Catawba River.
- These buffers serve several important functions. In addition to protecting against excess nitrogen and phosphorus in runoff from directly adjacent properties, the buffers also control sediment and erosion into the lakes, and help prevent flood damage.
- Proponents of repeal have argued that the mainstem buffers do little to stop pollution entering via the tributaries. That is true, but the smart solution would be to support local freedom to enact buffer ordinances on the tributaries - something Sec. 2 above of the bill specifically blocks - rather than repealing the mainstem buffers and doubling down on the river's pollution problems.
- A buffer is particularly critical for a river system like the Catawba because the vast majority of this river has been dammed up into reservoirs with hundreds of miles more of shoreline. Much of this shoreline is developed with homes, meaning the filtration of nutrients is especially critical. Additionally, boat traffic on these popular recreation lakes creates greater need for bank stabilization.
- Doing everything possible to protect water quality is particularly critical on the Catawba River, where there are homes (property tax base) and numerous drinking water intakes.