**2023 Policy Goals**

*On behalf of over 1,200 members in the Haw River watershed, and the communities that are directly impacted by the quality of water in our streams, the Haw River, and Jordan Lake, Haw River Assembly respectfully advocates for the following policy goals for the 2023 legislative session.*

North Carolina’s surface water resources are in peril. In the Haw River watershed, industrial pollution, sedimentation from poor development practices, and nutrient pollution from poorly managed stormwater and agriculture have degraded water quality and inhibited our rights to fishable, swimmable, drinkable waters. The following policy goals seek to address these sources of pollution and provide support to communities and enforcement agencies to protect our limited resources.

North Carolina’s Department of Environmental Quality has repeatedly seen budget cuts and has been faced with low rates of employee retention. This is largely due to the lack of competitive salaries provided to employees. **Increased funding in the budget for the Department of Environmental Quality** and increased fees for the department is necessary to enforce pollution violations and begin to regulate industrial toxins.

**Emerging contaminants** including PFAS and 1,4-dioxane, discharged from industries and wastewater

treatment facilities have contaminated drinking water supplies throughout the Cape Fear watershed. The

state-funded NC Collaboratory’s drinking water monitoring research shows that scope of contamination

extends throughout the state. The Haw River basin has seen levels being discharged from industrial users at over 2.3 million parts per trillion (ppt) total PFAS. The Environmental Protection Agency has set restrictive health guidelines for two of these compounds at 0.004 ppt for PFOA and 0.02ppt for PFOS.   
Legislation should:

* Direct NCDEQ to exercise already existing authority under federal and state laws to immediately require all NPDES dischargers sending effluent into drinking water supplies to:
  + Disclose all emerging contaminants in effluent
  + Require in NPDES permits, Technology-Based Effluent Limitations (TBELs) on all discharges of PFAS or 1,4 dioxane
  + Require in NPDES permits that TBELs be applied at the pretreatment level in order to prevent compounds from being concentrated in biosolids
* Require ongoing monitoring of biosolids to ensure no land application exceeds limitations
* Ban Aqueous Film-Forming Foams (AFFF) in firefighter training use
* Set deadline aligned with the Pentagon to transition, by December 31, 2024, to fluorine-free firefighting foams, already available in the market, including a plan for disposal of all AFFF.
* Provide informational materials for firefighters on PFAS exposure risks to include PFAS in gear, PFAS inhalation and exposure to AFFF.

**Nonpoint nutrient, sediment, stormwater and bacteria pollution** from industrial animal production is just one contributor to nutrient pollution in North Carolina. Additional sources include urban stormwater runoff, development and forestry. Using our Swim Guide program, Haw River Assembly monitors several recreational swimming access for E.coli bacteria. Often, we have sample locations that surpass the EPA recommendation for recreational exposure. The following legislative recommendations target nutrient and bacteria pollution in the watershed.

* **Move state water quality standards from fecal coliform to E.coli for all freshwaters**- North Carolina is one of only four states that have yet to transition to E.coli as a pathogen indicator. EPA made this change in 1986. In March, 2022, the Environmental Management Commission committed to transitioning on an expedited timeline.
* **Phosphorous** - Implement phosphorous-based agronomic land application rates for permitted CAFOs, including poultry operations and dry litter disposal deemed permitted by the state.
* **Increased funding for wastewater infrastructure upgrades -** Federal funding has been allocated to states for distribution to local governments to upgrade infrastructure. Failing wastewater infrastructure is a main contributor to bacteria reaching our streams, particularly in urban areas.
* **Require public notification for Sanitary Sewer Overflows -** The current notification system is dated and ineffective for protecting downstream users.We recommend a digital opt-in notification system (email or text) for the public to be notified of any sanitary sewer overflow in their area within 24 hours of the spill.
* **Increase fines for water quality violations** - Currently the fine structure for sanitary sewer spills, erosion and sediment violations, and other water quality violations is ineffective. Fines and civil penalties are rarely issued, and fines are often lower than the cost of effective solutions to the problem.
* **Incentivize Green Stormwater Infrastructure** - Sediment and nutrient pollution will only increase as development increases. Green stormwater infrastructure provides an opportunity to focus on volume and velocity, water quality and quantity, which limits sediment and nutrient loads from development sites. This practice must be incentivized at the construction level in order to effectively and efficiently manage both construction and post construction stormwater.
* **Harmful Algal Blooms (HABs)** - Appoint an interagency task force to develop recommendations on defining, monitoring and responding to HABs and propose numeric criteria for nutrients, chlorophyll-a and cyanotoxins to reduce potential HABs and provide state funding for cyanobacteria/HAB mitigation and removal strategies.
* **Agricultural Land Clearin**g - Require best management practices for agricultural land clearing of more than 10 acres and require Erosion and Sediment Control Plans for agricultural land clearing adjacent to Outstanding Resource Waters, Trout Waters and Water Supply Watersheds.
* **Use of Municipal Stormwater Fee**s - Allow fees collected by municipal stormwater programs to be used for stormwater management and stream restoration projects on private land under long term agreements/conservation easements.
* **Stormwater Mitigation on Redevelopment Projects** - Repeal or significantly amend Session Law 2018-145 Section 26 ( G.S. 143‑214.7(b2) and (b3)) to allow local governments the authority to require stormwater mitigation efforts on redevelopment projects if they so choose.
* **Public Notice for Approval of Erosion and Sediment Control Plans and Stormwater - Permits.** Issuances of certificate of coverage for Erosion and Sediment Control Plans and post-construction stormwater management plans should require public notice.

**Industrial Animal agriculture** has been largely unregulated in North Carolina, especially in regards to the poultry industry. This has left small farmers prioritizing regenerative methods to protect soil, water, and community health with limited resources from state assistance programs. Furthermore, taking steps to regulate industrial animal production in North Carolina will boost our state’s resiliency as climate change impacts threaten to flood facilities and contaminate surface waters that our communities depend on.

* **Funding to Support Farmers:**
  + **Increase Funding for Soil and Water Cost-Share Programs** - The Agricultural Cost Share Program typically receives as much as $20 million in requests for $4 million in annual funding statewide. We recommend doubling that to meet demand. ($8 million recurring)
  + **Livestock exclusion from waterways** - We suggest establishing a fund of $1 million recurring annually to help farmers install livestock exclusion fencing and alternative water sources. ($1 million recurring)
* **Funding for the Swine Farm Buyout Program** - The swine farm buyout is a voluntary program that was established in the wake of Hurricane Floyd to remove swine farms from the 100-year floodplain. ($20 million nonrecurring)
* **Oversight of the Poultry Industry** - The poultry industry in North Carolina has little regulation, which leads to unchecked amounts of nutrients and bacteria from these facilities polluting our state’s waterways. We request these actions:
  + **Poultry Study Bill** - to understand the impacts of poultry waste on our state waterways
  + **Animal Agriculture Resilience Planning -** to remove facilities within the 100 year floodplain and prevent new construction of facilities within the 500 year floodplain.
  + **Nutrient Waste Utilization Plans** - to be submitted to DEQ for approval and prohibit land application of poultry waste within 100 ft of surface waters.

**Confronting Environmental Justice Issues:**

* Codify DEQ’s existing authority to deny a permit if the cumulative impact, when coupled with existing environmental or health concerns, would cause a disproportionate, adverse impact on a community protected by Title VI of the Civil Rights Act of 1964.

For further information or questions about specific policy goals and concerns within the Haw River watershed community, please contact **Haw Riverkeeper, Emily Sutton** directly at [emily@hawriver.org](mailto:emily@hawriver.org) or (573) 979-1028.