

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1402
Committee Substitute Favorable 8/12/98

Short Title: Disapprove/Revise Neuse River Basin Rule.

(Public)

Sponsors:

Referred to:

May 21, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO DISAPPROVE 15A NCAC 2B.0233 (THE NEUSE RIVER NUTRIENT
3 SENSITIVE WATERS MANAGEMENT STRATEGY) AS A PERMANENT
4 RULE, TO CONTINUE 15A NCAC 2B.0233 IN EFFECT AS A TEMPORARY
5 RULE, TO SPECIFY HOW THE TEMPORARY RULE IS TO BE
6 IMPLEMENTED, TO REQUIRE THE ENVIRONMENTAL MANAGEMENT
7 COMMISSION (EMC) TO ADOPT RULES TO PROVIDE ALTERNATIVES TO
8 MAINTAINING RIPARIAN BUFFERS AND TO ESTABLISH COMPENSATORY
9 MITIGATION FEES, TO ESTABLISH THE RIPARIAN BUFFER RESTORATION
10 FUND, TO REQUIRE THE EMC TO ADOPT RULES TO PROVIDE FOR
11 DELEGATION OF THE RIPARIAN BUFFER PROGRAM TO UNITS OF LOCAL
12 GOVERNMENT THAT SEEK SUCH DELEGATION, TO RECOGNIZE VESTED
13 DEVELOPMENT RIGHTS, TO REQUIRE THE EMC TO REVISE THE
14 TEMPORARY RULE CONTINUED IN EFFECT BY THIS ACT AND TO ADOPT
15 A REVISED PERMANENT RULE WITH THE ASSISTANCE OF A
16 STAKEHOLDER ADVISORY COMMITTEE, TO PROVIDE THAT EROSION
17 CONTROL PLANS WILL BE CONSISTENT WITH RIPARIAN BUFFER
18 REQUIREMENTS, TO REQUIRE THE EMC TO ESTABLISH A RIPARIAN
19 BUFFER MAINTENANCE AND RESTORATION GOAL, TO AUTHORIZE THE

1 DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO
2 ACCEPT DONATIONS OF REAL PROPERTY, TO PROVIDE FOR PERIODIC
3 REVIEW OF THE IMPLEMENTATION OF THE NEUSE RIVER NUTRIENT
4 SENSITIVE WATERS MANAGEMENT STRATEGY AND REPORTS TO THE
5 ENVIRONMENTAL REVIEW COMMISSION, AND TO AUTHORIZE THE EMC
6 TO ADOPT TEMPORARY RULES TO IMPLEMENT THIS ACT.

7 The General Assembly of North Carolina enacts:

8 Section 1. **Definitions.** – Unless otherwise required by the context, the
9 following definitions apply throughout this act:

- 10 (1) " Commission" means the Environmental Management Commission.
11 (2) " Department" means the Department of Environment and Natural
12 Resources.
13 (3) " Secretary" means the Secretary of Environment and Natural Resources.
14 (4) " Temporary rule 15A NCAC 2B.0233" means 15A NCAC 2B.0233
15 (Neuse River Basin: Nutrient Sensitive Waters Management Strategy:
16 Protection and Maintenance of Riparian Areas with Existing Forest
17 Vegetation), adopted as a temporary rule by the Commission effective
18 22 July 1997, amended by the Commission effective 22 April 1998, and
19 continued in effect by Section 2 of this act.

20 Section 2. **Permanent rule disapproved; temporary rule continued in**
21 **effect.** – Pursuant to G.S. 150B-21.3(b), 15A NCAC 2B.0233 (Neuse River Basin:
22 Nutrient Sensitive Waters Management Strategy: Protection and Maintenance of Riparian
23 Areas with Existing Forest Vegetation), as amended by the Commission and approved by
24 the Rules Review Commission on 19 February 1998, is disapproved as a permanent rule.
25 Notwithstanding G.S. 150B-21.1(d), 15A NCAC 2B.0233 (Neuse River Basin: Nutrient
26 Sensitive Waters Management Strategy: Protection and Maintenance of Riparian Areas
27 with Existing Forest Vegetation), as amended by the Commission effective 22 April
28 1998, shall remain in effect as a temporary rule until the revised temporary rule required
29 by Section 8 of this act becomes effective. The Commission and the Department shall
30 implement temporary rule 15A NCAC 2B.0233 as provided in Section 3 of this act.

31 Section 3. Implementation of the temporary rule: determination of surface waters;
32 requirements not applicable to certain intermittent streams; forest vegetation defined. –

33 (a) Until the effective date of the revised temporary rule that the Commission is
34 required to adopt by Section 8 of this act, the Commission and the Department shall
35 implement temporary rule 15A NCAC 2B.0233 as provided in this section.

36 (b) For purposes of implementing temporary rule 15A NCAC 2B.0233, the
37 presence of surface waters in the Neuse River Basin, including intermittent streams,
38 perennial streams, lakes, ponds, and estuaries shall be determined solely as provided in
39 this subsection and subsection (c) of this section. Surface water is presumed to be present
40 on a particular parcel or tract of land if surface water appears on either the most recent
41 versions of the soil survey maps prepared by the Natural Resources Conservation Service
42 of the United States Department of Agriculture or the most recent versions of the

1 1:24,000 scale (7.5 minute quadrangle) topographic maps prepared by the United States
2 Geological Survey (USGS).

3 (c) The General Assembly recognizes that the soil survey maps and the USGS
4 topographic maps may be in error in that these maps may indicate the presence of surface
5 water where no surface water is actually present and may fail to indicate the presence of
6 surface water where surface water is actually present. Any question as to the accuracy or
7 application of the maps to a particular parcel or tract of land shall be referred to the
8 Director of the Division of Water Quality of the Department. A determination of the
9 Director as to the accuracy or application of the maps is subject to review as provided in
10 Articles 3 and 4 of Chapter 150B of the General Statutes. The Commission shall make
11 the final agency decision in a contested case involving a determination under this section.
12 A determination of the presence of surface waters pursuant to this section applies only to
13 the implementation of temporary rule 15A NCAC 2B.0233.

14 (d) The requirements of temporary rule 15A NCAC 2B.0233 shall not apply to a
15 segment of an intermittent stream that drains an area of 25 acres or less and that lies
16 upstream from the point of measurement from which the drainage area is determined.

17 (e) As used in temporary rule 15A NCAC 2B.0233, "forest vegetation" is not
18 defined by 15A NCAC 2B.0202 but instead means vegetation consisting of trees and
19 woody perennial plants with associated herbaceous vegetation in conjunction with a
20 defined surface layer consisting of leaves, branches, and other plant material. "Forest
21 vegetation" includes mature and successional forest areas and cutover areas.

22 Section 4. **Alternatives to maintaining riparian buffers; compensatory**
23 **mitigation fees.** – (a) The Commission shall establish a program to provide alternatives
24 for persons who would otherwise be required to maintain existing riparian buffers and
25 who can demonstrate that they have attempted to avoid and minimize the loss of the
26 riparian buffer and that there is no practical alternative to the loss of the buffer. This
27 program is intended to allow these persons to perform compensatory mitigation in lieu of
28 complying with the requirements of and the revised temporary rule and permanent rule
29 required by Section 8 of this act. Alternatives shall include, but are not limited to:

30 (1) Payment of a compensatory mitigation fee into the Riparian Buffer
31 Restoration Fund.

32 (2) Donation of real property or of an interest in real property to the
33 Department, another State agency, a unit of local government, or a
34 private nonprofit conservation organization if both the donee
35 organization and the donated real property or interest in real property
36 are approved by the Department. The Department may approve a donee
37 organization only if the donee agrees to maintain the real property or
38 interest in real property as a riparian buffer. The Department may
39 approve a donation of real property or an interest in real property only if
40 the real property or interest in real property is either:

41 a. A riparian buffer that will provide protection of water quality that
42 is equivalent to or greater than that provided by the riparian
43 buffer that is lost; or

1 b. Will be used to restore, create, enhance, or maintain a riparian
2 buffer that will provide protection of water quality that is
3 equivalent to or greater than that provided by the riparian buffer
4 that is lost.

5 (3) Establishment, restoration, or enhancement of a riparian buffer that is
6 not otherwise required to be protected.

7 (b) Compensatory mitigation is only available for loss of a riparian buffer along an
8 intermittent stream. Compensatory mitigation shall be conducted within the Neuse River
9 Basin.

10 (c) The Commission shall establish a standard schedule of compensatory
11 mitigation fees. The compensatory mitigation fee schedule shall be based on the area of
12 the riparian buffer that is permitted to be lost and the cost to provide equivalent or greater
13 protection of water quality by:

14 (1) Restoring existing riparian buffers.

15 (2) Acquiring land for and creation of new riparian buffers.

16 (3) Monitoring and maintaining the restored or created riparian buffers over
17 time.

18 (d) The Commission may adopt rules to implement this section and may
19 recommend any legislation it determines to be necessary or desirable to achieve the
20 purposes of this section. Rules to implement this section shall not be codified as a part of
21 15A NCAC 2B.0233 but shall be set out as a separately numbered rule.

22 Section 5. **Riparian Buffer Restoration Fund.** – (a) G.S. 143-214.15 through
23 G.S. 143-214.20 are reserved for future codification purposes.

24 (b) Part 1 of Article 21 of Chapter 143 of the General Statutes is amended by
25 adding a new section to read:

26 "**§ 143-214.21. Riparian Buffer Protection Program: Riparian Buffer Restoration**
27 **Fund.**

28 The Riparian Buffer Restoration Fund is established as a nonreverting fund within the
29 Department. The Fund shall be treated as a special trust fund and shall be credited with
30 interest by the State Treasurer pursuant to G.S. 147-69.2 and G.S. 147-69.3. The
31 Riparian Buffer Restoration Fund shall provide a repository for monetary contributions to
32 promote projects for the restoration, enhancement, or creation of riparian buffers and for
33 compensatory mitigation fees paid to the Department. The Fund shall be administered by
34 the Division of Water Quality within the Department. Monies shall be expended from
35 the Fund only for those purposes directly related to the restoration, acquisition, creation,
36 enhancement, and maintenance of riparian buffers to offset the benefits to water quality,
37 including the removal of nutrients, lost through the loss of buffers. Compensatory
38 mitigation fees paid into the Fund in connection with the loss of riparian buffers in a river
39 basin and the interest earned on those fees may be used only for projects in that river
40 basin."

41 Section 6. **Delegation of riparian buffer protection requirements to local**
42 **governments.** – (a) The Commission may delegate responsibility for the implementation
43 and enforcement of the State's riparian buffer protection requirements in the Neuse River

1 Basin to units of local government that have the power to regulate land use. A delegation
2 under this section shall not affect the jurisdiction of the Commission over State agencies
3 and units of local government. Any unit of local government in the Neuse River Basin
4 that has the power to regulate land use may request that responsibility for the
5 implementation and enforcement of the State's riparian buffer protection requirements be
6 delegated to the unit of local government. To this end, units of local government may
7 adopt ordinances and regulations necessary to establish and enforce the State's riparian
8 buffer protection requirements.

9 (b) Within 90 days after the Commission receives a complete application
10 requesting delegation of responsibility for the implementation and enforcement of the
11 State's riparian buffer protection requirement, the Commission shall review the
12 application and notify the unit of local government that submitted the application whether
13 the application has been approved, approved with modifications, or disapproved. The
14 Commission shall not approve a delegation unless the Commission finds that local
15 implementation and enforcement of the State's riparian buffer protection requirements
16 will equal implementation and enforcement by the State.

17 (c) If the Commission determines that any unit of local government is failing to
18 implement or enforce the State's riparian buffer protection requirements, the Commission
19 shall notify the unit of local government in writing and shall specify the deficiencies in
20 implementation and enforcement. If the local government has not corrected the
21 deficiencies within 90 days after the unit of local government receives the notification,
22 the Commission shall rescind delegation and shall implement and enforce the State's
23 riparian buffer protection program. If the unit of local government indicates that it is
24 willing and able to resume implementation and enforcement of the State's riparian buffer
25 protection requirements, the unit of local government may reapply for delegation under
26 this section.

27 (d) The Division of Water Quality in the Department shall provide technical
28 assistance to units of local government in the development, implementation, and
29 enforcement of the State's riparian buffer protection requirements.

30 (e) The Commission may adopt rules to implement this section and may
31 recommend any legislation it determines to be necessary or desirable to achieve the
32 purposes of this section. Rules to implement this section shall not be codified as a part of
33 15A NCAC 2B.0233 but shall be set out as a separately numbered rule.

34 Section 7. **Recognition of vested development rights.** – Vested rights
35 recognized or established under the common law or by G.S. 153A-344(b), 153A-344.1,
36 160A-385(b), or 160A-385.1 shall include the right as provided in this section, to
37 undertake and complete development in the Neuse River Basin without application of
38 temporary rule 15A NCAC 2B.0233 and the revised temporary rule required by Section 8
39 of this act. The Commission and the Department shall not apply temporary rule 15A
40 NCAC 2B.0233 and the revised temporary rule required by Section 8 of this act to
41 development with vested rights recognized or established under G.S. 153A-344(b),
42 153A-344.1, 160A-385(b), or 160A-385.1 prior to 22 July 1997. The Commission and
43 the Department shall not apply temporary rule 15A NCAC 2B.0233 and the revised

1 temporary rule required by Section 8 of this act to development with vested rights
2 recognized or established under the common law prior to the date this act becomes
3 effective if the Commission has issued a certification pursuant to G.S. 143B-282(a)(1)u.
4 prior to 22 July 1997.

5 Section 8. **Revision of temporary rule 15A NCAC 2B.0233; adoption of a**
6 **permanent rule to replace the temporary rule.** – (a) The Commission shall revise
7 temporary rule 15A NCAC 2B.0233 in accordance with this section. The Commission
8 shall:

- 9 (1) Establish a method for determining the presence of surface waters on a
10 particular parcel or tract of land in the Neuse River Basin. The
11 Commission shall establish a method that is scientifically valid, easily
12 understandable, efficient, consistent, reliable, and cost-effective,
13 including a method for resolving disputes regarding the presence of
14 surface waters on any particular parcel or tract of land.
- 15 (2) Establish methods to determine the point from which to measure the
16 landward extent of zones within a protected riparian buffer appropriate
17 to the different regions of the Neuse River Basin.
- 18 (3) Determine, based on drainage area, those segments of intermittent
19 streams to which the riparian buffer protection requirements do not
20 apply. The Commission may establish different drainage areas for
21 segments of intermittent streams located in different parts of the Neuse
22 River Basin on the basis of topography and other relevant factors.
- 23 (4) Define forest vegetation.
- 24 (5) Establish a clearly defined set of exemptions and uses that will be
25 allowed within a riparian area.
- 26 (6) Establish criteria to determine whether there exists a practical
27 alternative to the loss of the riparian buffer.

28 (b) All provisions that the Commission finds to be necessary to revise temporary
29 rule 15A NCAC 2B.0233 and to implement the revised temporary rule shall be set out in
30 the revised temporary rule. The Commission and the Department may develop and use
31 guidance documents and other statements that concern only the internal management of
32 the Commission and the Department. Neither the Commission nor the Department may
33 develop or use any guidance document or other statement that directly or substantially
34 affects the procedural or substantive rights or duties of any person not employed by the
35 Commission or the Department unless those documents are set out in rules adopted in
36 accordance with the provisions of Article 2A of Chapter 150B of the General Statutes.

37 (c) The Commission shall develop revisions to temporary rule 15A NCAC
38 2B.0233 with the assistance and advice of the Stakeholder Advisory Committee
39 appointed for that purpose as provided in Section 10 of this act. Notwithstanding G.S.
40 150B-21.1(d), the revised temporary rule shall not expire until the permanent rule
41 required by subsection (d) of this section becomes effective.

42 (d) Once temporary rule 15A NCAC 2B.0233 has been revised as required by this
43 section, the Commission shall proceed, in accordance with Article 2A of Chapter 150B of

1 the General Statutes, with the adoption of a permanent rule to replace the revised
2 temporary rule.

3 Section 9. **Commission to review the implementation of the Neuse River**
4 **Nutrient Sensitive Waters (NSW) Management Strategy.** – The Commission shall
5 review the implementation of the Neuse River Basin Nutrient Sensitive Waters (NSW)
6 Management Strategy. As a part of this review, the Commission shall assess progress
7 toward implementation of the Management Strategy, achievement of the nitrogen
8 reduction goal established by Chapter 572 of the 1995 Session Laws (1996 Regular
9 Session) and any other milestones related to the effort to improve water quality in the
10 Neuse River and Neuse estuary established by the Commission, and the impact of the
11 implementation of the Neuse River Nutrient Sensitive Waters (NSW) Management
12 Strategy on the regulated community. The Commission shall report the results of this
13 review, including any recommendations relative to water quality in the Neuse River and
14 Neuse estuary, to the Environmental Review Commission no later than 1 December
15 2000. The Commission shall conduct a second review and report the results, including
16 any recommendations, to the Environmental Review Commission no later than 1
17 December 2001.

18 Section 10. **Stakeholder Advisory Committee.** – (a) The Commission shall
19 develop the rules required by Sections 4 and 6 of this act and the revisions to temporary
20 rule 15A NCAC 2B.0233 and the permanent rule required by Section 8 of this act with
21 the assistance of a Stakeholder Advisory Committee. The Stakeholder Advisory
22 Committee shall consist of 23 members as follows:

- 23 (1) A member of the public at large who shall serve as Chair of the
24 Stakeholder Advisory Committee, appointed by the Secretary.
- 25 (2) A member of the Environmental Management Commission, appointed
26 by the Chair of the Commission.
- 27 (3) The Director of the Division of Water Quality or the Director's
28 designee.
- 29 (4) The Chief, Regulatory Branch, Wilmington District, United States
30 Army Corps of Engineers or the Chief's designee, if the Wilmington
31 District office agrees to make an appointment.
- 32 (5) The President of the North Carolina Association of Soil and Water
33 Conservation Districts or the President's designee.
- 34 (6) The Executive Director of the North Carolina Association of County
35 Commissioners or the Executive Director's designee.
- 36 (7) The Executive Director of the North Carolina League of Municipalities
37 or the Executive Director's designee.
- 38 (8) The Director of the Water Resources Research Institute of The
39 University of North Carolina or the Director's designee.
- 40 (9) The Chair of the Upper Neuse River Basin Association or the Chair's
41 designee.
- 42 (10) The President of the Lower Neuse River Basin Association or the
43 President's designee.

- 1 (11) The President of the North Carolina Association of Environmental
2 Professionals or the President's designee.
- 3 (12) The President of the North Carolina Chapter of the American Planning
4 Association or the President's designee.
- 5 (13) The Executive Director of the North Carolina Aggregates Association,
6 Inc., or the Executive Director's designee.
- 7 (14) The President of North Carolina Citizens for Business and Industry or
8 the President's designee.
- 9 (15) The President of the North Carolina Farm Bureau Federation, Inc., or
10 the President's designee.
- 11 (16) The Executive Vice-President of the North Carolina Forestry
12 Association, Inc., or the Executive Vice-President's designee.
- 13 (17) The Executive Vice-President of the North Carolina Home Builders
14 Association, Inc., or the Executive Vice-President's designee.
- 15 (18) A commercial land developer appointed by the Secretary.
- 16 (19) The President of the Conservation Council of North Carolina, Inc., or
17 the President's designee.
- 18 (20) The Director of the North Carolina Environmental Defense Fund or the
19 Director's designee.
- 20 (21) The President of the Neuse River Foundation, Inc., or the President's
21 designee.
- 22 (22) The Chair of the North Carolina Chapter of the Sierra Club or the
23 Chair's designee.
- 24 (23) The President of the North Carolina Wildlife Federation, Inc., or the
25 President's designee.

26 (b) The Director of the Division of Water Quality of the Department shall assign
27 appropriate professional and clerical staff to assist the Stakeholder Advisory Committee
28 in the performance of its duties under this act.

29 (c) The Stakeholder Advisory Committee created by this section shall terminate
30 when it makes its final recommendations to the Commission.

31 Section 11. Erosion control plans consistent with riparian buffer requirements. – (a)
32 G.S. 113A-54.1(c) reads as rewritten:

33 "(c) The Director of the Division of Land Resources shall disapprove an erosion
34 control plan if the plan, when implemented, would result in a violation of rules adopted
35 by the Environmental Management Commission to protect riparian buffers along surface
36 waters. The Director of the Division of Land Resources may disapprove an erosion
37 control plan upon finding that an applicant or a parent, subsidiary, or other affiliate of the
38 applicant:

- 39 (1) Is conducting or has conducted land-disturbing activity without an
40 approved plan, or has received notice of violation of a plan previously
41 approved by the Commission or a local government pursuant to this
42 Article and has not complied with the notice within the time specified in
43 the notice;

- 1 (2) Has failed to pay a civil penalty assessed pursuant to this Article or a
2 local ordinance adopted pursuant to this Article by the time the payment
3 is due;
- 4 (3) Has been convicted of a misdemeanor pursuant to G.S. 113A-64(b) or
5 any criminal provision of a local ordinance adopted pursuant to this
6 Article; or
- 7 (4) Has failed to substantially comply with State rules or local ordinances
8 and regulations adopted pursuant to this Article."

9 (b) G.S. 113A-61(b1) reads as rewritten:

10 "(b1) A local government shall disapprove an erosion control plan if the plan, when
11 implemented, would result in a violation of rules adopted by the Environmental
12 Management Commission to protect riparian buffers along surface waters. A local
13 government may disapprove an erosion control plan upon finding that an applicant or a
14 parent, subsidiary, or other affiliate of the applicant:

- 15 (1) Is conducting or has conducted land-disturbing activity without an
16 approved plan, or has received notice of violation of a plan previously
17 approved by the Commission or a local government pursuant to this
18 Article and has not complied with the notice within the time specified in
19 the notice;
- 20 (2) Has failed to pay a civil penalty assessed pursuant to this Article or a
21 local ordinance adopted pursuant to this Article by the time the payment
22 is due;
- 23 (3) Has been convicted of a misdemeanor pursuant to G.S. 113A-64(b) or
24 any criminal provision of a local ordinance adopted pursuant to this
25 Article; or
- 26 (4) Has failed to substantially comply with State rules or local ordinances
27 and regulations adopted pursuant to this Article."

28 Section 12. **Temporary rules authorized.** – (a) Notwithstanding G.S. 150B-
29 21.1(a)(2) and 26 NCAC 2C.0102(11), the Commission may adopt temporary rules to
30 implement this act and to correct other rules related to the Neuse River Nutrient Sensitive
31 Waters (NSW) Management Strategy until 1 July 1999. It is the intention of the General
32 Assembly that the Commission first address the revisions to temporary rule 15A NCAC
33 2B.0233 required by subdivision (1) of subsection (a) of Section 8 of this act and that the
34 Commission adopt all temporary rules required by or necessary to implement this act no
35 later than 15 February 1999.

36 (b) Notwithstanding G.S. 150B-21.1(a)(2) and 26 NCAC 2C.0102(11), the
37 Sedimentation Control Commission may adopt temporary rules to implement Section 11
38 of this act until 1 July 1999. It is the intention of the General Assembly that the
39 Sedimentation Control Commission adopt any temporary rules that may be necessary to
40 implement Section 11 of this act no later than 15 February 1999. If the Sedimentation
41 Control Commission determines that adoption of a temporary rule is necessary to
42 implement Section 11 of this act, the Sedimentation Control Commission shall proceed,
43 in accordance with Article 2A of Chapter 150B of the General Statutes, with the adoption

1 of a permanent rule to replace the temporary rule. The Sedimentation Control
2 Commission shall require local erosion control programs approved under G.S. 113A-60
3 to implement the requirements of G.S. 113A-61(b1), as amended by Section 11 of this
4 act.

5 Section 13. **Department may accept donations of real property.** – The
6 Department may accept donations of real property and interests in real property if the real
7 property or interest in real property is a riparian buffer or will be used to restore, create,
8 enhance, or maintain a riparian buffer that will provide protection of water quality.

9 Section 14. **Commission to establish riparian buffer maintenance and**
10 **restoration goal.** – The Commission shall establish a goal for the maintenance and
11 restoration of riparian buffers that is consistent with the thirty percent (30%) nitrogen
12 reduction goal for the Neuse River estuary established by Chapter 572 of the 1995
13 Session Laws (1996 Regular Session).

14 Section 15. **Report on implementation of act to the Environmental Review**
15 **Commission.** – The Commission and the Department shall jointly report to the
16 Environmental Review Commission on progress in implementing this act on or before 1
17 December 1998 and 1 March 1999. The reports shall include any proposed legislation
18 that the Commission or the Department recommends as necessary or desirable to achieve
19 the purposes of this act, to improve water quality in the Neuse River or the Neuse estuary,
20 or to better achieve the purposes of the Neuse River Nutrient Sensitive Waters (NSW)
21 Management Strategy.

22 Section 16. **Repeal of unnecessary reporting requirement.** – Section 3 of
23 Chapter 572 of the 1995 Session Laws (1996 Regular Session) is repealed.

24 Section 17. **Headings for convenience only.** – The headings to the sections of
25 this act are a convenience to the reader and are for reference only. The headings do not
26 expand, limit, or define the text of this act.

27 Section 18. **Severability provision.** – If any section or provision of this act is
28 declared unconstitutional or invalid by the courts, the unconstitutional or invalid section
29 or provision does not affect the validity of this act as a whole or any part of this act other
30 than the part declared to be unconstitutional or invalid.

31 Section 19. **Effective date of act.** – This act is effective when it becomes law.