



Representative McLawhorn's News from Raleigh

December 12, 2007

One of the bright spots of this past session is the success we had in protecting our land, air and water. It was one of the goals we had coming into the year and by many accounts we had a landmark session in this regard. We established stronger rules to govern the construction of landfills in our state, which will protect our communities and prevent North Carolina from becoming a dumping ground for other states. We permanently banned the construction of new hog lagoons and continued to put money into finding safer, cleaner and affordable alternatives for farmers who operate existing ones. We also authorized \$100 million in bonds for the Land for Tomorrow preservation program to protect valuable land from being developed and an additional \$20 million to preserve beach access. We gave the Clean Water Management Trust Fund \$100 million to protect our waters and will hand out \$100 million in grants to help communities replace their aging water and sewer systems.

Investments these projects and others will protect the natural resources that have made North Carolina such a desirable place to live. They will also ensure that we continue to enjoy the quality of life we have now even as our population continues to grow.

We also made several changes to improve and strengthen the state's energy policies. These changes will reduce our dependence on foreign oil, strengthen the local market for alternative energy and save us all money over time. I will share some of those new policies with you in more detail another time.

Thank you for allowing me to share this information with you. Please contact me if I can be of any assistance.

Land

- We strengthened regulations for the construction of landfills this session, requiring companies to prove they have adequate funding to maintain, close, and provide post-closure maintenance for a landfill. Several companies planned to build landfills in North Carolina before legislators put a moratorium on such projects. The companies were attracted to the state because of its inexpensive land, its central location on the East Coast and its lack of a surcharge on garbage. The bill that has been signed law (S1492) allows the state to collect \$2 a ton for garbage disposal. Half of the money will be used to assess and update more than 700 old landfills and dumps that operated before the state adopted environmental protection standards. The other half will go to local governments and the Solid Waste Management Trust Fund to help pay for recycling and other solid waste management issues. The bill also creates an efficient and enforceable computer collection and recovery system and allows the state to reject a landfill permit based on what impact the facility will have on poor or minority communities. This change in the law will probably prevent the planned construction of several large landfills in the state while a companion bill allows those companies to recover their planning costs.

- The state's Land for Tomorrow Initiative will get \$120 million in bond money to protect our forests, parks and greenways, historic areas, wildlife sanctuaries and stream borders from development. The Land for Tomorrow partnership is made up of people and organizations throughout the state that are trying to help the state preserve one million acres in the next five years. The Division of Marine Fisheries will get \$20 million of the money to help preserve beach access. The Farmland Preservation Trust Fund will get an additional \$8 million to protect farms from development, which is critical since we are losing farmland at the fastest rate in the nation. The pressure to develop land in the state has grown increasingly as the state's population grows and there is a need for more housing and commercial development. Also, some farmers leaving the industry feel forced to sell their property because of high land costs. This \$128 million will help them and help make sure the state has healthy development.

Air

- For the first time since 1991, we increased the maximum penalty for air quality violations from \$10,000 to \$25,000. This increase put North Carolina in line with other Southern states and moves us closer to the federal maximum fine for air quality violations of \$32,500. In a separate matter, we set aside \$500,000 to install pollution controls on diesel school buses.

Water

- A new law allows existing hog waste lagoons to continue to operate, but bans the construction of new ones. Hog lagoons have become an environmental concern in the past decade as the number of swine farms grew. The pits, where the hogs' waste is collected and then sprayed on fields as fertilizer, breached their banks during hurricanes or heavy rains, polluting waterways and soil. The state has had a moratorium on new lagoons for the past 10 years, but replacing them with new, cleaner technology is expensive. The bill (S1465) signed into law proposes a \$2 million a year cost-sharing program to help farmers pay the cost of replacing the pits with more environmentally friendly systems. The new systems could produce useful byproducts such as compost or electricity from the methane gas released. The law includes a provision that allows up to 50 swine farms to join a pilot program that will allow farmers to sell methane gas to power companies. The bill is supported by environmental, farm and industry groups and would represent a major step forward after years of trying to find better ways to handle hog waste. The deal protects farmers' investments and livelihoods while also helping to keep the state's water and soil clean.

- The state improved the process for transferring water from one water basin to another by requiring more public hearings, a study of the environmental impact of the transfer and granting the Environmental Management Commission authority to appoint a mediator to settle differences between applicants and other parties. We also hired seven new sediment and erosion control inspectors to help with North Carolina's top water quality problem -- sediment. We set aside \$615,000 for private well testing, notification, and emergency drinking water supplies for low income residents with contaminated drinking water.

Miscellany

Other environmental legislation and spending approved last session include:

- Banning the use of oyster shells in landscaping or highway beautification. The change came after it was discovered that the state Department of Transportation used the coveted shells for landscaping projects along some highways, not aware that old shells provide the best habitat for young oysters. The state has already banned shells from landfills. North Carolina oyster stocks have dropped about 90 percent since 1900. Oyster stocks are considered an important indicator of water quality. They help filter water along the coast and their numbers decline when the water or their habitat is unhealthy.

- \$1 million to establish the NC Green Business Fund to provide grants to small private businesses, nonprofits and state agencies working to develop an environmentally sound economy. The grants will be focused on developing a biofuels industry and a "green" building industry and leveraging investment in clean technologies and renewable energy.

- Strengthening and clarifying the law that requires businesses that hold on-premise alcohol licenses to recycle beverage container