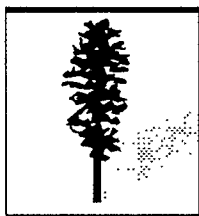




Robert Llewellyn

## Who Makes Environmental Policy?

by Bill Finger and Jack Betts



**T**ommy Rhodes slipped into the legislative committee meeting and found one of the few vacant seats. Legislative fiscal analysts were explaining line-by-line a 29-page "Inventory of Environmental Programs," complete with budget figures, program responsibilities, and other information. The five members of the legislative Study Commission on Consolidation of Environmental Regulatory Agencies<sup>1</sup> attending that Dec. 4, 1987 meeting had already heard Lt. Gov. Robert B. Jordan III endorse consolidation efforts. The views of Gov. James G. Martin were to be presented later in the morning by Rhodes,

the Secretary of Natural Resources and Community Development (NRCD).

Nearing the end of the fiscal presentation, the analyst mentioned that federal money came to NRCD's Division of Forest Resources from the Pentagon for a bomb range in Dare County. Snickers rippled through the standing-room-only crowd of about 100. Rhodes chuckled, leaned to the person on his left, and whispered, "We put out the fires." The man looked puzzled. Was Rhodes speaking in metaphors? "We really do," Rhodes went on. "The Pentagon contracts with us to go in and put out the fires after they do their practice bombing."

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When the fiscal presentation ended a few minutes later, Rep. Joe Hackney (D-Orange), the co-chairman presiding at the meeting, called on the Secretary of Natural Resources and Community Development (NRCD) to present the administration's position on consolidation. Rhodes, a salt-and-pepper-haired former legislator, flipped his papers into a briefcase and moved forward. At home in his old stomping ground, Rhodes got right to the point in his remarks.

"It's difficult for citizens to find the proper agency" for a problem with the environment, Rhodes said. "The agencies often seem to be in conflict with each other. . . . It may be time for realignment." Rhodes listed nine criteria that should be applied to any effort at consolidation, ranging from reducing duplication to providing the public with a focal point.

As the meeting wound down, Hackney mentioned that the staff had a new computer software package that could draw organizational boxes. "The only problem is," spoke up George Givens, counsel to the committee, "I need to know what to put in the boxes." Guffaws bounced off the cinder block walls of the meeting room.

Consolidation of environmental agencies—as Hackney, Jordan, Rhodes, and others have made clear—is not an end in itself. A number of states have recently addressed the issue of the burgeoning number of environmental programs. Maryland, for example, recently reorganized and consolidated its environmental and natural resource agencies. To provide a basis for discussion, the Fiscal Research Division reviewed the overall funding and staff levels of the various N.C. agencies involved with environmental protection and management, which helped the committee members to understand their task.<sup>2</sup> Another way to view the same set of questions is to examine the various agencies and spending according to environmental *function*. How much does the state spend on water quality, or land use, or hazardous waste management, or protecting the fragile coastal environment? And what agencies have re-

sponsibilities for which programs? How do they work?

The tables in this article are designed to provide a quick and handy guide to the major environmental protection and management programs within state government—*by function*. The table does not include a program description of the firefighters who put out the bombing fires, for example, but you will find a line in the land management table for protecting the state's forests.

Deciding what exactly is an "environmental function" is not easy to do. The Fiscal Research inventory, for example, did not include the state parks and recreation program, which cost the state \$5.4 million last year.<sup>3</sup> These tables do include this program.

In this assessment, state environmental protection and resource management programs fall into six general categories: water, land, hazardous materials and waste management, air, plant and wildlife, and miscellaneous. Hazardous materials and waste management have become such important environmental issues that they merit special attention due to the growing number of agencies and programs grouped around this threat to the environment. In all six areas together, the state is spending about \$125 million annually to regulate, protect, enhance and manage these resources and wastes. While that sum is a considerable figure, the total amounts to only 2.4 percent of the state's General Fund annually.

In addition to these full-time state agencies, 41 boards and commissions in the executive branch establish policies, make quasi-judicial rulings, advise executive branch officials, and work in other ways in this field. Citizens are appointed to these boards, primarily by the governor, and are paid only a per diem (and travel costs) for the days that they meet (see Table 7).

Of these boards, the state Environmental Management Commission, with NRCD's Division of Environmental Management serving as its principal staff, has evolved into the *dominant environmental*

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The need for  
development of  
natural resources  
does not justify  
writing off the  
environment.

◆

—Felix G. Rohatyn

**Table 1. N.C. State Government Programs Affecting Water Policy**

Area of Concern	Department/Division/Section	Programs/Responsibilities/Activities
<b>WATER QUALITY</b>		
<b>1. Surface Water</b>		
<b>■ Wastewater Treatment ("Point" Source Pollution)</b>		
	Natural Resources and Community Development (NRCD)/Environmental Management/Water Quality Section	Monitors toxic chemicals in N.C. lakes and streams at over 300 sites, including intensive biological and chemical tests at major discharge sites and in pristine waters; Issues permits and regulates 3,500 facilities which discharge to surface waters and 1,000 systems that discharge to the land surface or subsurface (spray irrigation of wastes, condominium waste disposal systems etc.), including an EPA-delegated pre-treatment program; Trains operators for wastewater treatment plants
	NRCD/Environmental Management/Construction Grants Section	Administers federal construction grants for wastewater treatment facilities
	Governor's Office/Office of State Budget and Management	Administers appropriations to local governments for wastewater treatment facilities (grant program changed to revolving loan program in 1987-88)
	Human Resources/Health Services/Environmental Health/Public Water Supply	Reviews permits for proposed wastewater discharges to assure that drinking water sources are adequately protected (permits for discharges to drinking water supplies require DHR approval)
<b>■ Pollution Control ("Nonpoint" Source Pollution)</b>		
	NRCD/Environmental Management/Water Quality Section	Develops and monitors stormwater runoff regulations; Advises local governments on watershed protection; Develops and monitors statewide nonpoint source programs
	NRCD/Land Resources/Land Quality Section	Monitors erosion and erosion control, including overseeing 37 local governments which administer their own sedimentation control programs

Statutory Authority	Expenditures			
	N.C. FY 1986-87 ( in \$1000s)			
	Local	State	Federal	Total
G.S. 90A-35 G.S. 143-215.3 G.S. 143B-282	\$0	\$3,588	\$1,765	\$5,353
G.S. 90A G.S. 143B-300	0	40	200	240
P.L. 97-117 (1981 Amendments to Federal Clean Water Act)	0	0	40,000	40,000
Chap. 480, s. 5.12 (SB 2), 1987 Session Laws	NA <sup>1</sup>	31,308 <sup>1</sup>	NA <sup>1</sup>	31,308 <sup>1</sup>
G.S. 143-215.1	(funds included in Item 5 )			
Clean Water Act G.S. Chap. 143, Art. 21	0	80	0	80
G.S. 113A-50 to -66	(funds included on Table 2, Item 1)			

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**Table 1. N.C. State Government Programs Affecting Water Policy, *continued***

Area of Concern	Department/Division/Section	Programs/Responsibilities/Activities
<b>Surface Water, <i>continued</i></b>		
■ <b>Pollution Control ("Nonpoint Source Pollution")</b>		
	NRCD/Soil and Water Conservation	Provides technical, monetary, and educational assistance to farmers for pollution control through cost-sharing Best Management Practices program
■ <b>Pollution Control Analysis</b>		
	NRCD/Environmental Management/Laboratory Section	Analyzes surface water quality, including water, wastes, sediment, soils, and tissue samples; Inspects, evaluates, and certifies commercial, municipal, and industrial laboratories performing state-required wastewater analysis
<b>2. Groundwater</b>		
	NRCD/Environmental Management/Groundwater Section	Classifies and monitors the quality and quantity of groundwater; can add conditions to wastewater discharge permits and require restoration at groundwater contamination sites; Administers rules governing location, construction, operation, repair, and abandonment of wells; Administers special permits for "Capacity Use Areas," required because of limited groundwater volume; Regulates underground storage of gasoline and other substances through Underground Storage Tank Program
	NRCD/Environmental Management/Laboratory Section	Analyzes groundwater quality, including water, sediment, and soil samples
	Human Resources/Health Services/Environmental Health Section/Sanitation Branch	Regulates subsurface sewage collection, treatment, and disposal systems through local health departments
<b>3. Coastal Waters</b>		
	NRCD/Environmental Management/Water Quality Section	Develops and monitors stormwater runoff regulations;
	NRCD/Coastal Management	Administers permit system for development in areas of environmental concern: estuarine waters and shorelines, coastal wetlands, public trust areas, and some public water supply areas

Statutory Authority	Expenditures			
	N.C. FY 1986-87 ( in \$1000s)			
	Local	State	Federal	Total
G.S. 143-215.74	\$ 965	\$3,165	\$0	\$4,130
G.S. Chap. 143, Articles 21, 21B	0	801	0	801
G.S. 143-214	0	132	0	132
G.S. 143-214.1	]			
G.S. Chap. 87 Article 7		0	2,000	438
G.S. 143-215.13				2,438
G.S. 143-215.3(a)(15)				
G.S. Chap. 143, Articles 21, 21B	0	271	26	297
G.S. 130A-335		(funds included in Item 5)		
G.S. Chap. 143, Article 21		(funds included in Item 1, Nonpoint Source)		
G.S. 113A-100 to -108		(funds included in Table 2, Item 3)		

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**Table 1. N.C. State Government Programs Affecting Water Policy, *continued***

Area of Concern	Department/Division/Section	Programs/Responsibilities/Activities
<b>Coastal Waters, <i>continued</i></b>		
	NRCD/Coastal Management <i>continued</i>	Administers N.C. National Estuarine Research for research and education on estuaries
	NRCD/Marine Fisheries	Manages estuarine and marine fisheries, including research, enforcement, and enhancement
	Administration/Marine Affairs	Coordinates state and federal policies and plans affecting ocean waters out to 200 nautical miles (state permits and management laws extend out to 3 nautical miles)
	Human Resources/Health Services/ Environmental Health Section/ Shellfish Sanitation	Monitors shellfish waters and recommends closings and openings to Div. of Marine Fisheries/NRCD for public health reasons
<b>WATER SUPPLY AND RESOURCE MANAGEMENT</b>		
<b>4. Water Resource Management</b>		
	NRCD/Water Resources	Studies management of river basin regions con- cerning surface and groundwater supply reservoirs, flood damages, water-based recreation, fish habitat, hydroelectric power, and "capacity use" designation; Provides state financial assistance for navigation, flood control, water-based recreation, and beach protection, includ- ing coordinating state role in U.S. Army Corps of Engineers water resource projects and the U.S. Geological Survey Cooperative Program for water data; Manages control of noxious aquatic weeds; Coordinates "Stream Watch" program, more than 100 citizen groups that volunteer to monitor and protect a stream, lake, or river
	NRCD/Soil and Water Conservation	Works with 94 Soil and Water Conservation Districts and with N.C. Soil and Water Commission in watershed planning, design, and implementation

Statutory Authority	Expenditures			
	N.C. FY 1986-87 ( in \$1000s)			
	Local	State	Federal	Total
G.S. 113-131 G.S. 113-181	\$0	\$6,600 <sup>2</sup>	\$768	\$7,368
G.S. 143B-389(b) -390.2	0	300	0	300
G.S. 130A-230	0	307	0	307
G.S. 143-211, -215.11ff -354,-355 G.S. 113-8,-16,-17 -20,-21 G.S.143-215.38ff G.S.143-215.70ff	0	690	0	690
G.S. 143-215.38ff None	0 0	75 30	0 0	75 30
G.S. 143B-294 139-4(d)	456	550	3,064	4,070

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**Table 1. N.C. State Government Programs Affecting Water Policy, *continued***

Area of Concern	Department/Division/Section	Programs/Responsibilities/Activities
<b>5. Water Supply</b>	NRCD/Water Resources	Assists local governments in water supply planning, water conservation, and leak detection techniques
	NRCD/Environmental Management/ Groundwater Section	Provides advice about groundwater supplies to local governments and communities
	Human Resources/Health Services/Environmental Health Section/Public Water Supply	Monitors location, construction, operation, and maintenance of state's 11,000 public water supplies; assures that wastewater dischargers are not located so as to jeopardize drinking water quality
	Governor's Office/Office of State Budget and Management	Administers appropriations to local governments for water supply and management (grant program changed to revolving loan program in 1987-88)
	NRCD/Land Resources	Monitors safety of dams, including water supply reservoirs
<b>6. Floods</b>	NRCD/Community Assistance	Provides assistance to local communities on developing floodplain ordinances
	NRCD/Water Resources	Assists communities in planning and financing flood control projects
	Crime Control and Public Safety/Emergency Assistance	Coordinates National Flood Insurance Program in state
<b>MISCELLANEOUS WATER PROBLEMS</b>		
<b>7. Pollution Prevention</b>	NRCD/Environmental Management/ Pollution Prevention Pays Program	Provides technical assistance and challenge grants to industries and local governments on ways to reduce, recycle and prevent wastes before they become pollutants (includes work with solid and hazardous wastes and air emissions)
<b>8. Research</b>	University of North Carolina System/Water Resources Research Institute	Conducts research, makes research grants, transfers technology from researchers to users, and coordinates information

Statutory Authority	Expenditures			
	N.C. FY 1986-87 ( in \$1000s)			
	Local	State	Federal	Total
G.S. 162A-21 to -24	\$0	\$ 120	\$0	\$ 120
G.S. 143-354,355				
G.S. 143-354		(Included in Item 2)		
G.S. 130A-315 G.S. 90A-20 to-30	55,516 <sup>3</sup>	1,050	931	57,497
Chap. 480, s. 5.12 (SB 2), 1987 Session Laws	NA <sup>4</sup>	26,983 <sup>4</sup>	0 <sup>4</sup>	26,983 <sup>4</sup>
G.S. 143-215		(see Table 2, Item 1)		
G.S. 143B-305 G.S. 143-323(c)		(a very small amount of staff time, not broken out in division budget)		
G.S. 143-355	0	20	0	20
P.L. 90-448	0	0	59	59
Res. 54, 1983 Session Laws	0	494 <sup>5</sup>	0	494
P.L. 95-467	100	400	300	900 <sup>6</sup>

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**Table 1. N.C. State Government Programs Affecting Water Policy, *continued***

Area of Concern	Department/Division/Section	Programs/Responsibilities/Activities
<b>9. Septic Tanks</b>	Human Resources/Health Services/ Environmental Health Section/Sanitation	Administers on-site sewage program through local health departments: permits, installation, and management of private septic tanks (55,000 permits issued in 1986)
<b>10. General Laboratory Services</b>	Human Resources/Health Services	Tests drinking water quality to ensure public safety and certifies private laboratories for this work (also works with solid and hazardous waste management, shellfish sanitation and radiation protection)

#### FOOTNOTES

<sup>1</sup>In 1985, the General Assembly appropriated \$120 million to local governments for water projects—supply and management as well as wastewater and sewage projects. Of this \$120 million, \$63 million has been committed for wastewater treatment and sewage projects, \$31.7 million in FY 1985-86 and \$31.3 in FY 1986-87. The original legislation required a dollar-for-dollar match from local governments, but amendments in 1987 dropped the match requirement [Chap. 725 (HB 899) and Chap. 795, s. 31.1 (HB 1516) of the 1987 Session Laws]. The Office of State Budget and Management (OSBM) reports that as of Oct. 12, 1987, \$117 of the \$120 million in state funds have been committed. To match that \$117 million, \$364.5 million in local funds and \$80.8 million in federal funds have been committed, according to OSBM, but these amounts cannot be broken

—*continued from page 11*  
*enforcer* in North Carolina. Other state agencies have major roles to play as well, including several others that cut across more than one resource area. The Commission for Health Services, for example, regulates state programs affecting solid and hazardous waste management, water supply, subsurface sewage treatment, and all environmental health programs, while the DEM has groundwater responsibility as it relates to solid and hazardous waste treatment facilities. But if there is a single agency in North Carolina that analysts look to in the way they do the Environmental Protection Agency at the federal level, it is the Environmental Management Commission.

The record of the EMC in the Martin administration has come under scrutiny. "There is a lot of timidity present right now with the EMC," says Rep. Joe Hackney (D-Orange). "They are sweeping stuff under the rug." In July 1987, Secretary Rhodes chastised the EMC for suspending or reducing some

finest that the Division of Environmental Management (DEM) had previously assessed. Since 1985, the DEM enforcement actions are up more than 250 percent, prompting praise from some environmentalists for aggressive action of the division. By September 1987, the EMC was again upholding stiff fines to polluters and violators of environmental regulations.

The 1987 General Assembly recognized the EMC's dominant enforcement role. Before it adjourned, the legislature gave the EMC the authority to consider financial capability and performance history when making decisions on who should receive permits for air and water discharge permits—authority that amounts to a veto of potential polluters if they have a questionable operating history.

The seven tables are the result of six months of interviewing among the agency personnel directly responsible for the programs described. Drafts of these tables were circulated to all agencies to confirm the figures and data presented here.

Statutory Authority	Expenditures			
	N.C. FY 1986-87 ( in \$1000s)			
	Local	State	Federal	Total
G.S. 130A-333 to 339	(separate amount for this program not broken out by Sanitation Branch)			
G.S. 130A-315, -326	\$0	\$ 190	\$ 116	\$ 306

#### FOOTNOTES, continued

down by *wastewater treatment and water supply projects*. (Local governments were delegated the authority to transfer their grant money from one project to another.)

<sup>2</sup>Includes \$685,000 from sale of commercial fishing licenses, dealers' licenses, and shellfish bottom leases.

<sup>3</sup>Includes cost of construction of water supply system improvements only.

<sup>4</sup>See footnote 1 above for an explanation of this expenditure item. Of the \$120 million, \$54.6 million has been committed for water supply and management projects, \$27.6 million in FY 1985-86 and \$27 million in FY 1986-87.

<sup>5</sup>Of this \$494,000, \$300,000 went for research education grants.

<sup>6</sup>The Water Resources Research Institute also received funds from other sources.

## Water

The state spends more money by far on water-related issues—almost \$80 million—than it does in the other five areas combined. Nearly three-fourths of that goes for capital-related costs, building wastewater treatment plants and developing water supply capabilities. From flushing the toilet to flushing the pollutants out of industrial wastes, from flycasting in a mountain stream to crabbing in the sounds, North Carolina citizens rely on water. The article beginning on page 53 discusses water policy questions, ranging from the wastewater permit system to interbasin transfer issues. Table 1 provides a quick reference point for understanding how the many water-related programs are managed at the state level.

State government programs affecting water fall into three general categories, as shown in Table 1: *water quality, water supply and resource management, and miscellaneous problems*. There are 10 types of concerns within the three divisions, starting

with the most obvious and the most expensive—surface water.

The big ticket item for surface water is the state money that helps local governments build and manage wastewater treatment facilities, a program that has now shifted to a revolving loan program. This program deals with "point" sources of pollution because wastewater treatment facilities generally discharge the treated waste into a river or stream at a specific point. Note that the Division of Environmental Management within NRCD has the major responsibility in managing surface and groundwater programs. But the Division of Land Resources and the Division of Soil and Water Conservation have responsibilities for programs affecting surface water as well. Regarding coastal waters, five different agencies in three departments (NRCD, Human Resources, and Administration) have responsibilities.

The Division of Water Resources within NRCD

— continued on page 30

**Table 2. N.C. State Government Programs Affecting Land Management**

Area of Concern	Department/Division/Section	Programs/Responsibilities/Activities
<b>1. Land Resource Conservation</b>	NRCD/Land Resources	Monitors sedimentation and erosion control plans; oversees 37 local governments which administer their own sedimentation control system; Monitors mining act, including land reclamation provisions; Monitors dam safety
	NRCD/Soil and Water Conservation	Provides administrative and technical assistance to the N.C. cooperative soil survey program and soil resources inventory. (See also Table 1, Item 1, Pollution Control)
<b>2. Forestry</b>	NRCD/Forest Resources	Protects 18.5 million acres of commercial forest land from fire, insects, and disease Makes forest management services available to 245,000 private forest landowners, including cost sharing funding for reforestation by individual owners; Grows 60 million seedlings and sells them at cost to forest landowners; Operates 5 educational state forests; Creates markets for N.C. wood fiber, through Forest Products Market Development Program
<b>3. Planning and Technical Assistance</b>	NRCD/Community Assistance/ Local Planning and Management Assistance	Provides technical assistance to local governments for land use planning, watershed management, and community development
<b>4. Coastal Land</b>	NRCD/Coastal Management	Helps fund and oversee preparation of land-use plans in 20 coastal counties and 55 municipalities covered by CAMA Administers permit program for development in areas of environmental concern (AEC) ocean erodible area, high hazard flood area, inlet hazard area, ocean beaches, primary and frontal dunes, natural resource areas (1,589 AEC permits issued in 1986) Helps fund and administer public beach access program;

Statutory Authority	Expenditures			
	N.C. FY 1986-87 ( in \$1000s)			
	Local	State	Federal	Total
G.S. 113A-50 to -66	NA	\$1,086	\$0	\$1,086
G.S. 74-46	0	221	0	221
G.S. 143-215.3	0	390	0	390
G.S. 143B-294	332	525	1,175	2,032
G.S. 113-51 to -56 G.S. 113-54 to -81.1 G.S. 113A-176 to -196 G.S. 113-35  G.S. 113-34 G.S. 113-38	6,204 <sup>1</sup>	21,036	1,616	28,556
G.S. 143B-305 G.S. 143-323(c)	0	1,288	0	1,288
G.S. 113A-100 to -128	88	1,602 (land use and permit programs)	844	2,535
G.S. 113A-134.1 to -134.3	448	250	325	1,023

—table continued on next page

**Table 2. N.C. State Government Programs Affecting Land Management,  
*continued***

Area of Concern	Department/Division/Section	Programs/Responsibilities/Activities
<b>Coastal Land, <i>continued</i></b>		
	NRCD/Coastal Management <i>continued</i>	Acquires land for and administers the N.C. National Estuarine Research Reserve and N.C. Estuarine Sanctuary programs to protect natural areas for research, education, and recreation; Administers dredge and fill permits system in saltwater wetlands
<b>5. Recreation</b>	NRCD/Parks and Recreation	Manages 53-unit state park system (30 parks areas, 3 recreation areas, 3 state rivers, 1 state trail, 9 natural areas, and 7 state lakes); Manages natural and scenic rivers program; Manages Natural Heritage program for preserving natural diversity of North Carolina; Manages state trails system; Processes Land and Water Conservation Fund Grants; Provides advisory services, planning assistance, and training programs to public, private and commercial agencies
<b>6. Land Resources Information</b>	NRCD/Land Resources	Administers land records management program Provides financial and technical assistance to upgrade county mapping records; Administers Land Resources Information Service
<b>7. Land Acquisition</b>	Administration/Office of State Property	Purchases and leases land for state environmental management activities including hazardous and toxic waste disposal sites, parks, and research facilities
<b>8. Submerged Lands</b>	Administration/Office of State Property	Manages, controls, and dispenses of certain interests in state-owned submerged lands;
	NRCD/Marine Fisheries	Grants easements, rights-of-way, and other interests in submerged lands; Resolves submerged land deeds and shellfish leases

Statutory Authority	Expenditures			
	N.C. FY 1986-87 ( in \$1000s)			
	Local	State	Federal	Total
P.L. 92-583	\$0	\$ 104	\$1,013	\$1,117
G.S. 113-229	(separate amount not broken out by Coastal Management Division)			
G.S. 113-44	0	6,858	0	6,858
G.S. 113A-30	0	4	12	16
G.S. 113A-164.4(4)	0	168	0	168
G.S. 113A-83	0	40	0	40
P.L. 95-625	0	0	1,584	1,584
G.S. 143-323 to -326	0	402	0	402
G.S. 102-15	20,000	475	0	20,475
G.S. 143-341(4)d	(acts at request of another agency, which absorbs expense)			
G.S. 146-1	0	0	0	0
G.S. 146-11 and -12	0	0	0	0
G.S. 113-205 and -206	0	127	0	127



**Table 3. N.C. State Government Programs Affecting Hazardous and Waste Materials Management**

Area of Concern	Department/Division/Section	Programs/Responsibilities/Activities
<b>1. Hazardous Waste Enforcement</b>	Human Resources/Health Services/Solid Waste Management Section	Enforces compliance with waste disposal rules; monitors and issues permits for waste storage, treatment, and disposal facilities; produces annual report on waste generation of all hazardous wastes
	NRCD/Environmental Management	Reviews waste disposal plans and permit applications for potential impact on the environment
	NRCD/Pollution Prevention Pays Program	See Table 1, Item 7, page 18
<b>2. Hazardous Waste Management</b>	Commerce/Hazardous Waste Treatment Commission	Sites, finances, builds, leases or operates hazardous waste treatment facilities when private companies fail to do so
	Human Resources/Governor's Waste Management Board	Plans for and manages both hazardous waste and low-level radioactive waste including assessing need for facilities recommending legislative, administrative, and regulatory actions, disseminating information on waste management technology, and promoting development of needed facilities
<b>3. Hazardous Materials Emergencies</b>	Crime Control and Public Safety/Emergency Management Division	Coordinates transportation and site emergency responses to hazardous materials accidents
	NRCD/Environmental Management Division/Enforcement and Emergency Response Section	Responds to oil and chemical spills (except pesticides) to investigate and ensure clean-up
	Labor/Right-To-Know Division	Administers state's Hazardous Chemicals Right-To-Know Act, requiring businesses to disclose existence of hazardous materials on premises

Statutory Authority	Expenditures			
	N.C. FY 1986-87 ( in \$1000s)			
	Local	State	Federal	Total
G.S. 130A-294	\$0	\$830	\$1,378	\$2,208
G.S. 143B-282	(no separate budget figures available)			
G.S. 143B-470	0	299	0	299
G.S. 143B-216.12	0	242	0	242
G.S. 166A	0	2,338 (total division budget)	2,438	4,776
G.S. 143-215.75	0	80	0	80
G.S. 95-173	0	157	0	157

**Table 3. N.C. State Government Programs Affecting Hazardous and Waste Materials Management, *continued***

Area of Concern	Department/Division/Section	Programs/Responsibilities/Activities
<b>4. Radiation</b>	Administration/Low-Level Radioactive Waste Management Authority	Locate, construct, and operate facility for disposal of low-level radioactive waste under terms of the eight-state Southeastern Regional Compact
	Human Resources/Facility Services/Radiation Protection Section)	Licenses, registers, and inspects radioactive materials, accelerator facilities, and x-ray equipment; Provides environmental radiation surveillance; Regulates incineration of low-level radioactive wastes
	Human Resources/Governor's Waste Management Board	See Table 3, Item 2, page 26
<b>5. Pesticides</b>	Agriculture/Food and Drug Protection/Pesticide Control and Analysis Section	Regulates registration, quality, sale, use, application, storage, and dis- posal of pesticides
	Agriculture/Division of Structural Pest Control	Enforces compliance with state Structural Pest Control Act, regulates structural pest control industry and its pesticides, monitors and inspects pesticide applications
<b>6. Waste Transportation</b>	Transportation/Division of Motor Vehicles/Enforcement Section	Enforces regulations on transportation of hazardous and radioactive waste by motor carriers
<b>7. Solid Wastes</b>	Human Resources/Health Services/Solid Waste Management Section	Enforces compliance with waste disposal rules, monitors and issues permits for solid waste disposal and treatment facilities
	NRCD/Environmental Management	Reviews solid waste disposal plans and reviews permits for projects with potential impact on the environment

Statutory Authority	Expenditures			
	N.C. FY 1986-87 ( in \$1000s)			
	Local	State	Federal	Total
G.S. 104G-1	(No 1986-87 budget because Authority did not exist until July 1, 1987; The 1987-88 budget is \$400,000 in state-appropriated funds)			
G.S. 104E-9 to 104E-19 G.S. 104E-24 G.S. 104E-7	\$ 0	\$ 1,155	\$ 32	\$ 1,187
G.S. 143-434 to -470.1	0	1,394	124	1,518
G.S. 106-65.22 to -65.40	0	449	82	531
G.S. 20-167.1 G.S. 20-384	0	23 (estimate)	63	86
G.S. 130A-294	0	829	0	829
G.S. 143B-282	(no separate budget figures available)			

—continued from page 21

and the Division of Health Services within the Department of Human Resources have primary responsibility for water management and supply issues. The Environmental Management Commission also has substantial statutory authority over water supply and water resources management. The Division of Water Resources has responsibility for studying river basins as they relate to water supplies, for studying noxious aquatic weeds, for coordinating the "Stream Watch" program, and other programs. The Division of Health Services historically has had responsibility for public health issues relating to water. Today, these functions include monitoring public water supplies, testing drinking water quality, and monitoring private septic tanks. Other agencies involved with water management include the NRCD

Division of Community Assistance (technical assistance on floodplain ordinances) and the Department of Crime Control and Public Safety (coordinating the National Flood Insurance Program).

### Land Management

Managing the "goodliest soile vnder the cope of heauen" is quite a responsibility. What other state can lay claim to a 1585 phrase that described what later became its native ground? But managing the land resource has not been a major focus of state environmental agencies in recent years, despite a recent boom in land development. From 1986 to 1987, the number of acres under development shot up 55 percent, from 19,700 to 30,600 acres. The tension is obvious in the numbers. How do land-use

**Table 4. N.C. State Government Programs Affecting Air Quality**

Area of Concern	Department/Division/Section	Programs/Responsibilities/Activities
1. Air Quality	NRCD/Environmental Management/ Air Quality Section	Administers state air quality regulations;
		Analyzes vehicle inspection data and recommends vehicle emission standards to the Environmental Management Commission
	NRCD/Environmental Management/ Local Air Pollution Control Programs	Administers air quality county ordinances, mandatory for Buncombe, Haywood, Forsyth, and Mecklenburg counties
	NRCD/Environmental Management/ Laboratory Services	Provides laboratory services to air quality programs
2. Pollution Prevention	Transportation/Motor Vehicles/Exhaust Emission Inspection Program	Administers vehicle inspection and maintenance program in areas exceeding federal carbon monoxide emission limits (currently Wake and Mecklenburg counties)
	NRCD/Environmental Management/	See Table 1, Item 7, page 18

regulations balance development opportunities and environmental protections? The answer to that question lies in land-use plans and zoning ordinances, regulating fragile coastal and mountain areas, and other policy issues. The article on page 94 explores such policies.

State agencies manage eight types of land management concerns at a cost of more than \$30 million last year. By far the largest of the eight is the Division of Forest Resources (\$19 million), which protects 18.5 million acres of commercial forest land, provides forest management services to 245,000 private forest landowners, and performs other functions (including putting out fires from practice bombing). The next largest is the Division of Parks and Recreation (\$5.4 million), which manages the state parks system, trail system, and natural and

scenic rivers program.

Neither of these programs, however, addresses the tension between development opportunities and environmental protections. The state agencies most responsible for monitoring and regulating land development are NRCD's Division of Land Resources (\$1.7 million), Division of Coastal Management (\$2 million), and the Division of Community Assistance (\$1.3 million). Often, these three divisions work within the tensions inherent when state agencies serve the dual functions of advising local officials to take actions and ordering actions to be taken. The Division of Land Resources, for example, regulates sedimentation and erosion control for the entire state, but 37 local governments have chosen to exercise that power themselves. Even so, the Sedimen-

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Statutory Authority	Expenditures			
	N.C. FY 1986-87 ( in \$1000s)			
	Local	State	Federal	Total
G.S. 143-213	\$0	\$1,590	\$1,221	\$2,811
G.S. 143-215.3-5, .9,.63-.69, .105-.114				
G.S. 20-128.2 143-215.107	0	91	1	91
G.S. 143-215.112	708	0	603	1,311
G.S. Chap. 143, Article 21	0	24	0	24
G.S. 20-128.1 -.2	0	477	0	477

**Table 5. N.C. State Government Programs Affecting Plant Life and Wildlife**

Area of Concern	Department/Division/Section	Programs/Responsibilities/Activities
<b>1. Marine Fisheries</b>	NRCD/Marine Fisheries	Manages estuarine and marine fisheries, including research, enforcement, and enhancement
<b>2. Wildlife and Fisheries</b>	NRCD/Wildlife Resources	<p>Promulgates hunting, fishing, trapping, and boating regulations;</p> <p>Enforces wildlife and fisheries laws and regulations (inland game and nongame fish);</p> <p>Issues hunting, fishing, and trapping licenses (inland game and nongame fish);</p> <p>Educates public about wildlife resources, with publications and other efforts;</p> <p>Maintains channel and safety markers in navigable waterways and provides boat accesses;</p> <p>Owens and manages gamelands acreage for wildlife habitat conservation and public recreational opportunities</p>
<b>3. Plants and Insects</b>	<p>Agriculture/Plant</p> <p>Industry/Plant</p> <p>Protection Section</p>	<p>Develops and enforces regulations for insects, plant diseases, and weed pests;</p> <p>Conserves and protects endangered and threatened plants and beneficial insects</p>
<b>4. State Zoo</b>	NRCD/N.C. Zoological Park	Develops and maintains the N.C. Zoo in Asheboro
<b>5. State Aquariums</b>	<p>Administration/Office of</p> <p>Marine Affairs</p>	Develops and administers the three N.C. aquariums at Pine Knoll Shores, Fort Fisher, and Roanoke Island

Statutory Authority	Expenditures			
	N.C. FY 1986-87 ( in \$1000s)			
	Local	State	Federal	Total

G.S. 113-131  
G.S. 113-181

(Included in Table 1, Item 3)

G.S. Chap. 75A Article 1 G.S. Chap. 113, Articles 12, 13, 14, 20, 21, 22, 22A, 23, 25 G.S. Chap. 143, Article 24	\$ 0	\$2,739	\$3,134	\$19,859 <sup>1</sup>
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G.S. Chap. 106, Articles 4D, 4F, 19B, 20, 31B, 36, 55	0	1,452	235	1,687
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G.S. 143B-335 and -336	0	4,413	0	4,413
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G.S. 143B-390.2	0	1,120	0	1,120
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FOOTNOTE:

<sup>1</sup>Not shown is nearly \$14 million in revenue from various fees, including hunting and fishing licenses, boat registration fees, and other fee revenues. The fee revenue, combined with state and federal funds, produces the Commission's \$19.8 million budget.



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tation Control Commission has the power to rescind that local power if the county commissioners do not exercise proper authority. The Division of Community Assistance, in contrast, has no official monitoring role regarding land uses. Instead, it explains growth management options to local government officials and assists in drafting regulations when requested.

## Hazardous and Waste Materials Management

**T**he third major table outlines state government programs dealing with waste materials, including hazardous and solid wastes, as well as other materials such as radiation and chemicals. Among other things, the table shows how little North Carolina spends on solid and hazardous waste management programs—less than \$8 million per year in state funds (including the entire budget of the Emergency Management Section at Crime Control and Public Safety, which also responds to natural disasters such as hurricanes and tornadoes). That sum of state money seems even smaller in light of the

enormous public attention that has been focused on efforts to select sites for a low-level radioactive waste repository and on a separate hazardous waste treatment facility in North Carolina.

At least eight state agencies have a direct role in hazardous and waste material management. These agencies are the Departments of Human Resources; Natural Resources and Community Development; Commerce; Crime Control and Public Safety; Administration; Transportation; Labor; and Agriculture. The first six are under control of the Governor; the latter are two under independently elected Commissioners.

On a day-to-day basis, the Department of Human Resources has far more to do with hazardous and solid waste management than any other agency. The department's Solid Waste Management Section (elevated to section status on Jan. 1, 1988) has responsibility for enforcing compliance with hazardous waste disposal rules as well as monitoring and issuing permits for waste storage, treatment, and disposal facilities. It performs the same role for solid waste facilities.

In addition, several state boards are involved in

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**Table 6. N.C. State Government Programs Affecting Miscellaneous Environmental Policies**

Area of Concern	Department/Division/Section	Programs/Responsibilities/Activities
<b>1. Planning and Assessment</b>		
	NRCD/Natural Resources Planning and Assessment	Provides centralized planning and interagency coordination, including the biennial "State of the Environment" report; Provides economic analysis of air and water quality regulations
<b>2. Highways</b>		
	Transportation/Highways/ Environmental Planning Unit	Investigates and analyzes environmental effects of highway construction
<b>3. State Clearinghouse</b>		
	Administration/Intergovernmental Relations	Ensures that state agencies comply with provisions of the N.C. Environmental Policy Act; coordinates the intergovernmental review of environmental documents



Robert Llewellyn

Statutory Authority	Expenditures			
	N.C. FY 1986-87 ( in \$1000s)			
	Local	State	Federal	Total
G.S. 143B-275 to -279	\$0	\$260	\$0	\$260
G.S. 143B-214.1 to -215.107				
	0	68	386	454
1 N.C.A.C. 25 .0213 G.S. 113A	(no separate budget figures available)			

**Table 7. Boards, Commissions, and Councils in the Executive Branch Working  
With Environmental Management and Natural Resources**

<b>Board, Commission, or Council</b>	<b>Where Housed</b>	<b>Statutory Authority</b>	<b>Total Members</b>
<b>GENERAL</b>			
1. Environmental Management Commission	Natural Resources and Community Development	G.S. 143B-282	17
2. Commission for Health Services	Human Resources	G.S. 143B-142	12
3. Board of Natural Resources and Community Development	Natural Resources and Community Development	G.S. 143B-280	20
4. Soil and Water Conservation Commission	Natural Resources and Community Development	G.S. 143B-294	7
<b>LAND MANAGEMENT</b>			
5. Coastal Resources Commission	Natural Resources and Community Development	G.S. 113A-104	15
6. Coastal Resources Advisory Council	Natural Resources and Community Development	G.S. 113A-105	47
7. Natural Heritage Advisory Committee	Natural Resources and Community Development	15 N.C.A.C 12H .0105	9
8. Parks and Recreation Council	Natural Resources and Community Development	G.S. 143B-311	16
9. North Carolina Mining Commission	Natural Resources and Community Development	G.S. 143B-290	9
10. North Carolina Sedimentation Control Commission	Natural Resources and Community Development	G.S. 143B-298	11
11. Forestry Council	Natural Resources and Community Development	G.S. 143B-308	11
12. North Carolina Trails Committee	Natural Resources and Community Development	G.S. 143B-333	7
13. Southeastern Interstate Forest Fire Protection Compact Advisory Committee	Natural Resources and Community Development	G.S. 113-60.14	4 from each state
<b>HAZARDOUS AND WASTE MATERIALS</b>			
14. Governor's Waste Management Board	Human Resources	G.S. 143B-216.12	16
15. N.C. Hazardous Waste Treatment Commission	Commerce	G.S. 143B-470.3	9
16. Southeast Interstate Low-Level Radioactive Waste Management Compact Commission	Office of the Governor	G.S. 104F-1	2 from each state
17. N.C. Low-Level Radioactive Waste Management Authority	Administration	G.S. 104G-5	15

*— table continued on next page*

**Table 7. Boards, Commissions, and Councils in the Executive Branch Working With Environmental Management and Natural Resources, *continued***

Board, Commission, or Council	Where Housed	Statutory Authority	Total Members
18. Emergency Response Commission	Crime Control & Public Safety	Executive Order No. 43, 1987	15
19. North Carolina Radiation Protection Commission	Human Resources	G.S. 104E-7	20
20. North Carolina Pesticide Board	Agriculture	G.S. 143-436	7
21. Structural Pest Control Committee	Agriculture	G.S. 106-65.23	5
<b>AIR</b>			
22. Air Quality Council	Natural Resources and Community Development	G.S. 143B-317	9
(Note: This board is inactive and has not met for years)			
<b>PLANT LIFE AND WILDLIFE</b>			
23. Wildlife Resources Commission	Natural Resources and Community Development	G.S. 143-240	13
24. Atlantic States Marine Fisheries Compact Commission	Natural Resources and Community Development	G.S. 81-721 G.S. 113-251	3 from each state
25. Marine Fisheries Commission	Natural Resources and Community Development	G.S. 143B-289.3	15
26. Marine Science Council	Administration	G.S. 143B-389	28
27. North Carolina Plant Conservation Board	Agriculture	G.S. 106-202.14	7
<b>Other Boards, Commissions, and Councils with Responsibilities for the Environment</b>			
28. South Atlantic Fishery Management Council (NRCD)			
29. Appalachian National Scenic Trail Advisory Council (NRCD)			
30. Community Development Council (NRCD)			
31. N.C. Zoological Park Council (NRCD)			
32. Outer Continental Shelf Task Force (Administration)			
33. N.C. National Park, Parkway, and Forests Development Council (Commerce)			
34. Energy Policy Council (Commerce)			
35. Utilities Commission (Commerce)			
36. Alternative Energy Corporation (Commerce)			
37. Mine Safety and Health Advisory Council (Labor)			
38. State Advisory Council on Occupational Safety and Health (Labor)			
39. Board of Agriculture (Agriculture)			
40. Board of Transportation (Transportation)			
41. Environmental Policy Act Advisory Committee (Administration)			

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overseeing waste management and siting. They are the Governor's Waste Management Board in the Department of Human Resources; the Hazardous Waste Treatment Commission in the Commerce Department; and the Low-Level Radioactive Waste Management Authority in the Department of Administration. Some observers think the functions of these boards overlap. Separate state offices also deal with radiation and with pesticides, as items four and five in Table 3 indicate.

Table 3 (as well as Tables 1 and 4) includes the state's model Pollution Prevention Pays Program. This program, unique among state environmental efforts, tries to prevent or reduce pollution in whatever way it can. Thus it transcends other state programs in that it is not restricted to any single area of the environment, but applies to all types of pollution. Another state office, the Technical Assistance Program in the Department of Human Resources, also offers help in reducing pollution.

### Air Quality, Plant Life and Wildlife, and Miscellaneous Areas

**T**he central agency for air quality regulation, as with water quality, is the Division of Environmental Management within NRCD (see Table 4). Several local governments also have responsibility for air pollution programs, as mandated by the General Assembly (Buncombe, Haywood, Forsyth, and

Mecklenburg counties). The state spends less than \$2 million monitoring and improving air quality.

The state spends nearly \$10 million researching, enhancing, and regulating N.C. plant and wildlife (see Table 5). The effort is divided between three major agencies, the Division of Marine Fisheries (NRCD), the Wildlife Resources Commission (a quasi-independent agency operating mostly on receipts from hunting and fishing licenses but attached to NRCD for coordination and reporting), and the Department of Agriculture's Division of Plant Industry. In addition, the N.C. Zoological Park and the state's three aquariums represent substantial efforts in the wildlife field.

### Conclusion

**T**his tour through North Carolina's environmental programs and responsibilities provides a look at how the main programs function. It reviews the agencies concerned with the primary environmental resources—water, air, land, and plant and wildlife, plus the high-profile issue of hazardous materials and waste management. It does not examine other state agencies and programs which have a bearing on the environment. It excludes state energy programs, which are closely related to the environment in a number of ways—including use of natural resources, environmental safety, and waste disposal. Nor does it deal with environmental hazards in the workplace, or with worker safety. It omits the impact on the environment by economic development and transportation policy. Finally, not all public health issues are included. Concerns such as food and lodging sanitation, mosquito control, milk sanitation, and indoor air monitoring do not appear in these tables. State policymakers and legislators should take these factors into consideration when debating consolidation or other alterations in state environmental programs.

In whatever fashion these programs are grouped, however, the legislature will still be the state's single most *influential policymaker* on the environment (see article on politics, p. 2, for more on this point). The General Assembly holds the purse

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I have found that the brown bears are  
under the jurisdiction of the Secretary  
of Agriculture, the grizzly bears under  
the care of the Secretary of the Interior,  
and the polar bears under my  
protection as the Secretary of  
Commerce.

—Herbert Hoover

◆

**Table 8. Standing Legislative Committees of the N.C. General Assembly with Responsibilities for Examining Environmental Legislation**

1. Senate Appropriations Committee on Natural and Economic Resources
2. Senate Committee on the Environment
3. Senate Committee on Natural and Economic Resources and Wildlife
4. House Appropriations Base Budget Committee on Natural and Economic Resources
5. House Appropriations Expansion Budget Committee on Natural and Economic Resources
6. House Committee on Natural and Economic Resources
7. House Committee on Marine Fisheries
8. House Committee on Water and Air Resources
9. House Committee on Wildlife Resources

strings in one hand and writes environmental law with the other, and state executive branch officials and agencies must follow the direction set by legislators. Often enough, the two branches of government are at one another's throats—as they were in June 1987. On June 5, Governor Martin and NRCD Secretary Rhodes held a press conference to criticize legislative leaders who were about to cut the NRCD budget. In response, the chairmen of the Joint Appropriations Committee on Natural and Economic Resources issued a statement criticizing Martin and Rhodes for criticizing the legislature. And so it went.

Despite the inter-branch bickering, there obviously is sentiment for somehow consolidating or shifting state environmental agencies. Both Gov. Jim Martin and Lt. Gov. Bob Jordan support a consolidation, and so do environmentalists.

The state's leading environmental lobbyist, Bill Holman, presented his views on the issue in a four-page, single-spaced letter on Nov. 23, 1987. For starters, Holman suggested giving the principal environmental agency a new name—the Department of Natural Resources and Environmental Management. "If I could shift only one piece of the bureaucratic puzzle," Holman wrote to Representative Hackney, "I'd move the Solid and Hazardous Waste Management Branch in the Department of Human Resources to [a new] Division of Solid and Hazardous Waste in the Department of Natural Resources & Environmental Management."

Governor Martin proposed a similar alignment on February 17 when he recommended combining

the Health Services Division in DHR with the natural resources and environmental regulation functions of NRCD in a new Department of Health and Environment.

Governmental officials to their credit are striving to streamline and improve the cast of characters making and implementing environmental policy. With bipartisan support for consolidation, new configurations appear to be in the making. This series of tables, which groups programs by function, should be useful in the short-term reorganizational process.

In the long-term, regardless of what the principal department is called or where the chief environmental agencies are housed, legislators and other policymakers should bear in mind what function each agency, division, section, and branch serves—and how those agencies might function better as they seek to preserve and protect North Carolina's natural resources. □ □ □

#### FOOTNOTES

<sup>1</sup>Chapter 773, Section 9, 1987 Session Laws, modifying Chapter 1014, Section 150, 1986 Session Laws.

<sup>2</sup>This information is summarized in "Inventory of Environmental Programs in North Carolina State Government," Fiscal Research Division, N.C. General Assembly, December 1987. Staff members working on the report and presenting it to the legislative Study Commission on Consolidation of Environmental Regulatory Agencies were Carol Shaw and Manuel Marbet.

<sup>3</sup>For a book-length review of all state environmental agencies and nonprofit groups, see *The Guide to Environmental Organizations in North Carolina* by Lisa Blumenthal, N.C. Center for Public Policy Research, 1984.