

County Attorneys' School - Water Law

INTRODUCTION

1. The School Book -- what's in it?
2. Today's Agenda (PowerPoints)
3. Quick review of NC water management law, with PowerPoints (10-12 minutes).
4. List of major topics for today (PowerPoint) --
 - a. IBT's, wells and ground water, farm ponds, etc.
 - b. Poll the attorneys: "In your county, are these live issues (on each topic)?"
 - c. Use the results of the poll to help set the order of the topics on the agenda -- leave the least popular ones for last, in case we run out of time, i.e., prioritize.
5. Water management potentially affects almost everyone in the county in many different (and sometimes disparate) ways. But the county attorney can hardly respond individually to each citizen.

So, to whom do you respond, and how?

- a. "Obligatories"
 - County Commissioners
 - What other officials, if any?
 - Manager
 - Finance Director
 - Etc. (all?)

Poll the attorneys on each one.

- b. Citizens
 - How many county attorneys have a regular (like weekly) time to hear any citizen on any issues?
 - A common sense approach on water management (Geoff Gledhill, if he is willing).
 - Other ways? (Like leave it to assistant attorneys.)
 - How many county attorneys would put citizen response in the "obligatory" category?

Poll the attorneys on each item.

- c. A quick review of the legislative agenda (5 or 6 minutes).

TOPICS FOR THE DAY

Note: Order is subject to change, to reflect priorities of the attorneys.

1. Wells, ground water and surface water use regulation
2. IBT's
3. Farm ponds and agricultural use of water
4. Regulatory authority of counties over water management generally
5. Burning restrictions
6. Water and sewer districts, authorities, etc.
7. Well head protection program (or cover under (1) wells)

DETAILED QUESTIONS

Examples of detailed questions for the county attorneys.

1. Farm ponds and agricultural use
 - a. What crops or activities in your county require water sources?
 - b. What are the agricultural source numbers from:
 - i. Farm ponds only
 - ii. Streams
 - iii. Wells
 - iv. All of the above
 - v. Public water supply systems
2. Wells and Ground Water
 - a. Has your BCC adopted a well ordinance that limits turf irrigation from wells?
 - b. Is your BCC considering such an ordinance?
 - c. How many of you think that:
 - i. Your BCC has the authority?
 - ii. Your BCC does not have the authority?
 - iii. Your BCC should seek legislation granting the authority, if they want to undertake such regulation?
 - iv. Your local board of health or state EMC has this authority under the 2006 amendments to the Well Construction Act?
 - d. Has your water utility limited or prohibited turf irrigation with its potable water in advanced water shortage stages?
3. Open Burning

Who thinks your county has authority, not pre-empted by state law, to adopt open burning ordinances? Or, does not have such authority? What open burning restrictions does your county want in an ordinance?
4. Water and Sewer Districts
 - a. Has your BCC created a water and sewer district or authority in response to recent water problems?
 - b. Is your BCC considering creation of such a district or authority?
 - c. What is the BCC's objective in creating such a district or authority?
 - d. Which kind of district or authority: a property tax financed service district, a county water and sewer district, a water and sewer authority, or a sanitary district?