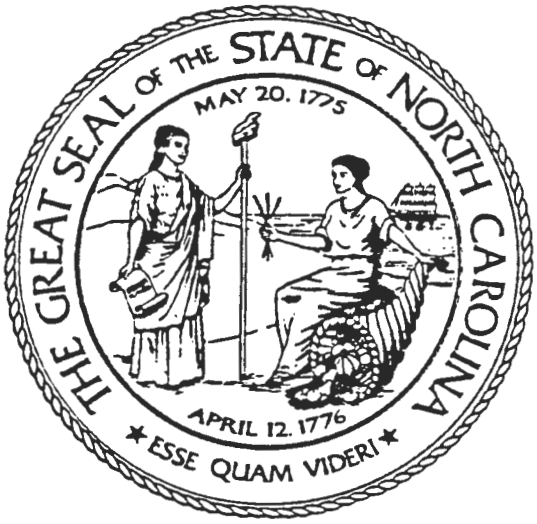
LEGISLATIVE

RESEARCH COMMISSION

DEVELOPMENT OF A STATE STRATEGY FOR THE PROTECTION OF ALL GROUNDWATER RESOURCES



REPORT TO THE
1991 GENERAL ASSEMBLY
OF NORTH CAROLINA
1991 SESSION

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STATE OF NORTH CAROLINA

LEGISLATIVE RESEARCH COMMISSION

STATE LEGISLATIVE BUILDING

RALEIGH 27611

December 14, 1990

TO THE MEMBERS OF THE 1991 GENERAL ASSEMBLY:

The Legislative Research Commission herewith submits to you for your consideration its final report on groundwater resources. The report was prepared by the Legislative Research Commission's Committee on the Development of a State Strategy for the Protection of All Groundwater Resources pursuant to Section 2.1 of Chapter 802 of the 1989 Session Laws, and Section 2.1 of Chapter 1078 of the 1990 Session Laws.

Respectfully submitted,

Josephus L. Mavretic
Speaker

Henson P. Barnes
President Pro Tempore

Cochairmen
Legislative Research Commission

1989-1990

LEGISLATIVE RESEARCH COMMISSION

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PREFACE

The Legislative Research Commission, established by Article 6B of Chapter 120 of the General Statutes, is a general purpose study group co-chaired by the Speaker of the House and the President Pro Tempore of the Senate. Five additional members are appointed from each house of the General Assembly. Among the Commission's duties is that of making or causing to be made, upon the direction of the General Assembly, "such studies of and investigations into governmental agencies and institutions and matters of public policy as will aid the General Assembly in performing its duties in the most efficient and effective manner" (G.S. 120-30.17(1)).

At the direction of the 1989 General Assembly, the Legislative Research Commission has undertaken studies of numerous subjects. The study on the Development of a State Strategy for the Protection of All Groundwater Resources was authorized by Section 2.1 of Chapter 802 of the 1989 Session Laws (1989 Session). That act states that the Commission may consider companion bills SJR 367 and HJR 554 in determining the nature, scope and aspects of the study. SJR 367 directs the Commission to study "the impact of fragmented and ambiguous authorities on the State's ability to effectively protect groundwater resources, and to assess the need for a Comprehensive Groundwater Protection Act which would correct this fragmentation problem." (See Appendix A for applicable statutory authority).

In addition, the Commission was authorized by Section 2.1 of Chapter 1078 of the 1990 Session Laws (1990 Session) to study individual and small system wastewater needs. That act states that the Commission may consider House Bill 2373 for additional direction. House Bill 2373 focuses on the lack of basic water and wastewater needs, with an emphasis on rural North Carolina. The Commission may study, "individual household and small system water needs and the obstacles preventing

access to citizens." During the course of its study, it may consider economic, health and environmental problems with a focus on outhouses, failing septic tanks and small failing waste treatment systems. The Legislative Research Commission referred this study to the Groundwater Study Committee (See Appendix B for applicable statutory authority).

The Legislative Research Commission grouped both topics in its "Water Resources" area under the direction of Senator Lura Tally. The Committee was chaired by Senator Thomas F. Taft and Representative Howard Hunter, Jr. The full membership of the Committee is listed in Appendix C of this report. A committee notebook containing the committee minutes and all information presented to the committee on file in the Legislative Library.

COMMITTEE PROCEEDINGS

The Legislative Research Commission on the Development of a State Strategy for the Protection of All Groundwater Resources (hereinafter referred to as the "Groundwater Study Committee") met six times during the 1989-90 biennium. The original purpose of the Groundwater Study Committee was to study the existing, fragmented and ambiguous authorities on groundwater resources and to determine whether a comprehensive groundwater protection plan was necessary. After the 1990 Regular Session, the Legislative Research Commission referred the study on individual and small system water and wastewater needs to the Groundwater Study Committee. Following is a discussion of the six meetings.

January 11, 1990

Senator Lura Tally, the Legislative Research Commission Member, called the first meeting to order and explained that the focus of the meeting was to present an overview of current federal and state groundwater policies and to discuss the need for a groundwater protection plan in North Carolina. All of the speakers agreed that the State's "groundwater program" is fragmented among state agencies which often results in ambiguous rules and coordination problems. In some cases, the Commission for Health Services is the rulemaking authority, while in other cases, the Environmental Management Commission is the rulemaking authority. Reference to groundwater protection is scattered throughout the following statutes: Coastal Area Management Act; Drinking Water Act; Hazardous Waste Management; Leaking Underground Storage Tanks; Oil Pollution and Hazardous Substances Control Act of 1978; Pesticide

Regulation; Radiation Protection Act; Septic Tanks; Solid Waste Management Act; Water Use Act of 1967; and Well Construction.

Mr. Perry Nelson, Groundwater Section Chief of the Division of Environmental Management, Department of Environment, Health, and Natural Resources (the "Department") was the first speaker. Mr. Nelson said the initial "groundwater program" consisted of registration of well drillers and records of completed water wells filed with the Department. Mr. Nelson said there is no "Federal Groundwater Act," thus leaving many states, including North Carolina, with legislation that does not have groundwater as a primary objective. Mr. Nelson said codification and improvement of existing legislation in the form of a comprehensive "Groundwater Protection Act" could, among other things, set forth the State's position with respect to groundwater protection; clarify ambiguities and plug loopholes in existing statutes; and reduce confusion felt by the regulated community, including regulators and private citizens.

Ms. Lark Hayes, Attorney and Director of the North Carolina Office of the Southern Environmental Law Center was the next speaker. Ms. Hayes recommended the following be incorporated in a comprehensive groundwater protection plan: 1) assessment of groundwater resources; 2) identification of current and future sources of drinking water, involving local government; 3) provision of mandatory cleanup schedule for contamination; 4) deletion of exemption for agricultural operations with respect to cleanups; and 5) strong education program.

Mr. Craig Bromby, an attorney with More & Van Allen, represented the business/industry perspective. Mr. Bromby believes there is a need for a comprehensive groundwater plan, being careful of over-regulation.

February 14, 1990

At its second meeting, the Groundwater Study Committee concentrated its efforts on the farmer's responsibility toward groundwater protection and the statutory exemption for agricultural operations. Under G.S. 143-215.2, the Environmental Management Commission is empowered to issue Special Orders to "any person it finds responsible for causing or contributing to any pollution of the waters of the State..." This authority does not apply to agricultural operations. Agricultural operations are regulated by the Department of Agriculture and the North Carolina Pesticide Board. Under Part 2 of Chapter 143, the North Carolina Pesticide Board is empowered to regulate the use of pesticides. G.S. 143-440 authorizes the Board to designate a pesticide as a "restricted use pesticide" if it is hazardous or injurious to "persons, pollinating insects, animals, crops, wildlife, lands, or the environment..." In addition, G.S. 143-469 sets civil penalties not to exceed two thousand dollars ($2,000) for using, storing, or disposing of pesticides in a manner inconsistent with its label. The Board does not have authority to enforce a cleanup action. (See Appendix D for relevant legislation pertaining to pesticides and agricultural operations).

Ms. Anne Coan, with the North Carolina Farm Bureau said there are three primary uses of groundwater: 1) drinking water; 2) livestock; and 3) crop irrigation. Three studies are currently being conducted on groundwater in North Carolina. These studies are: 1) U.S. Environmental Protection Agency study on well testing called the National Pesticide Study (results available in fall of 1990); 2) North Carolina Agricultural Extension Service Education and Sampling Program developed for limited sampling of pesticides on a pilot basis in two counties; and 3) the Cooperative Program between the Department of Environment, Health, and Natural Resources and the Department of Agriculture (study designed to determine if North Carolina is

experiencing groundwater quality problems related to agriculture, particularly from nutrients and pesticides). Ms. Coan said the farmer's responsibility toward groundwater is to use approved pesticides according to state and federal rules and regulations, and according to label instructions. If groundwater problems are found to be caused by agriculture, Ms. Coan said education, technical assistance and cost-sharing incentive programs should be initiated to supplement the regulations already in place. Ms. Coan said that proper well construction and closure of abandoned wells may be an area the Groundwater Protection Committee should study.

Mr. David McLeod, Director of Legal Staff of the Department of Agriculture told the Groundwater Study Committee that pesticides are not exempt from any of the State groundwater laws or regulations. The Department of Agriculture pesticide program has an additional set of rules that apply only to pesticides. With respect to enforcement of regulations, Mr. McLeod said that on-site inspections of aerial and ground applications of pesticides are conducted.

Mr. Allen Spalt, Director of the Agricultural Resource Center, told Committee members that the Environmental Protection Agency has classified more than one third of the State (primarily in the east) as highly susceptible to contamination by pesticides. Mr. Spalt said that North Carolina is one of the few states with little or no recordkeeping of pesticide sales. Estimates indicate that up to fifty million pounds of pesticides per year are sold and distributed. Mr. Spalt advocated that records of pesticide sales and distribution be kept, with the possibility of a tax on pesticides to fund the collection of needed data.

March 15, 1990

At its third meeting, the Groundwater Study Committee had several themes. First, the pesticide/groundwater discussion continued. Following that was a discussion of the Rocky Mount raw sewage bypass into the Tar/Pamlico River Basin and its effect on groundwater. Finally, there was a historical perspective on rulemaking for the Commission for Health Services and the Environmental Management Commission with respect to groundwater issues.

Dr. David Moreau, Director of the Water Resource Research Institute at the University of North Carolina at Chapel Hill, was the first speaker. Dr. Moreau discussed the findings of a recently completed study of pesticides and groundwater in North Carolina. The study identifies the regions of the state most vulnerable to groundwater contamination from the use of agricultural pesticides. Dr. Moreau said the Coastal Plains region of the State appears to be the most vulnerable to groundwater contamination.

Mr. George Everett, Director of the Environmental Management Division of the Department, was asked to explain the recent events that took place in Rocky Mount and the Tar River. Sewage was allowed to bypass the Rocky Mount wastewater treatment plant and was discharged directly into the Tar River. Mr. Everett said the problems began in 1981 when a State Order required Rocky Mount to improve its wastewater treatment facilities. An improved treatment plan was put into place in 1982, however flows exceeded expectations in the facility almost immediately. A court order was issued in 1987 which requires Rocky Mount to notify the Division of Environmental Management each time it bypasses the treatment facility. In addition, the court order calls for completion of new treatment facilities by the summer of 1991. According to documents provided by Mr. Everett, contamination to the Tar River was not a threat to the public, but threatened the marine life in the river. Both Mr. Everett

and Dr. Ernie Carl, Deputy Secretary for the Department believe the General Assembly should look at the statutes regulating treatment facilities.

Dr. Ernie Carl, Deputy Secretary of the Department gave an historical overview of the evolution of environmental protection rules which explained, in part, the fragmentation of statutes with respect to the groundwater program. Mr. Perry Nelson followed with a discussion of activities regulated by the Environmental Management Commission, including well drilling activities. Mr. Nelson said well drillers are not required to be licensed at this time.

Ms. Linda Sewell, Deputy Director for the Division of Environmental Health of the Department, discussed rules governing public drinking water supplies, which includes both public and private users. Ms. Sewell said groundwater quality and drinking water quality are one in the same. There is currently no routine system for inspection of wells and septic tanks unless there is a problem.

Mr. Bill Meyer, Director of the Division of Solid Waste Management of the Department, discussed rules adopted by the Commission for Health Services which regulate sanitary landfills, demolition sites, and composting sites as they relate to groundwater. Ms. Lee Crosby, Superfund Section Chief of the Department shared a slide presentation on Superfund and inactive hazardous waste sites.

The Groundwater Study Committee turned its discussion to whether it should report to the 1990 Session. While the Committee recognized a need to create an overall policy and purpose section in the statutes, it had not compiled enough information as to whether it could be done without a recodification of the statutes. In addition, due to the recent consolidation of agencies, the Department requested additional time to propose a recodification of statutes. Finally, a cooperative study between the Department and the Department of Agriculture relating to pesticide contamination in groundwater was scheduled to begin in July, 1990 and end in January,

1991. Thus, the Groundwater Study Committee did not file a report to the May 1990 Regular Session.

October 8, 1990

Section 2.1 of Chapter 1078 of the General Statutes authorized the Legislative Research Commission to study individual and small water and wastewater systems. The focus of H.B. 2373 was to study basic water and wastewater needs, with an emphasis on rural North Carolina. The Legislative Research Commission referred that study to the Groundwater Study Committee.

Steve Steinbeck, Head of Sewage in the Division of Environmental Management of the Department presented an overview of the individual and small water and wastewater systems in rural North Carolina. Using 1980 Census Data (1990 Census Data will not be available until 1993), there were approximately 2.2 million residential dwellings in the State. Four percent (4%) of the State's residences have inadequate methods of wastewater disposal such as straight pipes to ditches or streams, privies, or slop jars. North Carolina is near the top of the list in both the region and country for inadequate waste disposal. Forty-two (42) counties in the State have eight percent (8%) or more residences without adequate disposal methods. The eastern part of the State has the highest concentration of illegal discharges, with one eastern county having 25.8% of residences without adequate plumbing.

Legislation was presented and discussed which would help counties with eight percent (8%) or more residences without adequate plumbing to survey and cleanup illegal sewage discharges (See Legislative Proposal I in Appendix E).

Mr. Billy Ray Hall, Director of the Rural Economic Development Center discussed the Center's role in the State. The Center helps identify key rural economic

development issues; finds solutions to these issues; and finds ways to implement improvements statewide. The Center created a report entitled, "Living Without the Basics," which report examined the facts concerning water and wastewater disposal in rural North Carolina.

The Groundwater Study Committee heard from several health directors across the State, including Mr. Carl Pace, with Haywood County. Mr. Pace discussed the Haywood County Pilot Project, whereby the General Assembly appropriated $120,000 during the 1987 Session to survey illegal sewage discharges. The proposed "County Funds" legislation was modeled after the Haywood County Project. Mr. Jim Boehm, Health Director for the Hertford & Gates District Health Department presented alternatives to conventional sewer systems such as low pressure pipe systems, backfill systems, and artificial wetlands. Mr. John Meyers, Environmental Health Supervisor of the Craven County Division of Environmental Health discussed denial rates for permits, and problems with soil and high water tables. Mr. Meyers said Craven County is using and monitoring artificial wetlands and pretreated spray irrigation systems. Mr. Carl Tuttle, Health Director for the Appalachian District (Alleghany, Ashe and Watauga Counties) noted there were many problems with direct discharges into streams.

November 15, 1990

Mr. Steve Tedder, Section Chief of Water Quality of the Division of Environmental Management of the Department presented information concerning the numbers of schools and state facilities out-of-compliance with surface and groundwater rules.

In addition, the Groundwater Study Committee discussed and approved recommended legislation. The first proposal discussed was the "County Funds" bill.

(See Appendix E, Legislative Proposal I). Mr. Ed Regan, Assistant Executive Director of the North Carolina Association of County Commissioners presented endorsements from the health directors of the forty-two (42) eligible counties described in the bill. In addition, Mr. Steve Steinbeck, Head of Sewage in the Division of Environmental Management of the Department said the Department supported the concept of the bill.

Second, Mr. Steve Steinbeck, presented a proposed bill which would clarify authority of local health departments to adopt rules more stringent than the Environmental Management Commission or the Commission for Health Services (See Appendix F, Legislative Proposal II). Finally, the Groundwater Study Commission discussed and approved a bill which would continue the Groundwater Study Commission (See Appendix G, Legislative Proposal III).

December 3, 1990

The Legislative Research Commission's Committee on the Development of a State Strategy for the Protection of All Groundwater Resources met and approved the report and proposed legislation to the 1991 General Assembly.

FINDINGS AND RECOMMENDATIONS

RECOMMENDATION 1

The Groundwater Study Committee recommends that the 1991 General Assembly appropriate to the Department of Environment, Health, and Natural Resources $2,100,000 for FY 1991-92 to be allocated in grants of $50,000 to specified counties to survey illegal sewage discharges; $4,200,000 for FY 1992-93 to be allocated in grants of $100,000 to specified counties to help low-income residents clean up the discharges; and $170,000 for FY 1992-93 in incentive grants of $10,000 to the first 17 qualifying counties. The Committee also recommends that the General Assembly appropriate to the Department $245,624 for FY 1991-92; and $219,124 for FY 1992-93 for administrative support and up to five (5) positions to assist local officials in designing and approving sewage systems.

The Groundwater Study Committee finds that access to clean drinking water and adequate methods of wastewater disposal is essential to the public health, environment, and economy of North Carolina. Evidence was presented before the Committee that hundreds of thousands of North Carolinians live without access to basic water and wastewater disposal and, that many of the residents are unable to install proper systems. Based on 1980 Census Data, forty-two (42) counties have eight percent (8%) or more residences without public sewer or septic tank systems. Many of the counties are concentrated in the eastern part of the State, in rural North Carolina. One such county has 25.8 percent residences without adequate plumbing.

One major obstacle in cleaning up illegal sewage discharges is lack of knowledge and inability to comply with stringent State rules. A number of counties testified that, because of high water tables, poor soil conditions, etc., residents were unable to install

septic tanks. The Committee heard evidence that, while the North Carolina General Statutes provide for alternative systems, the Department of Environment, Health, and Natural Resources does not have adequate staff to research and advise county health departments on the suitability of such systems. Therefore, the Groundwater Study Committee recommends that the General Assembly appropriate money to the Department for up to five (5) positions (Examples include soil scientists) to assist local officials in designing and approving sewage systems which meet State and local regulatory requirements.

All members on the Groundwater Study Committee supported the idea of helping local government survey and clean up illegal sewage discharges. Several members were concerned about the distribution of funds and wanted to expand the bill statewide. Due to State budget constraints, the Groundwater Study Committee recommends that, at this time, the bill be limited in scope to address the needs of those counties with the most serious problems.

RECOMMENDATION 2

The Groundwater Study Committee recommends that the 1991 General Assembly clarify G.S. 130A-39(b) which allows a local board of health to adopt "a more stringent rule" in an area regulated by either the Commission for Health Services or the Environmental Management Commission, when required to protect public health.

The Groundwater Study Committee finds that there is great confusion in the interpretation of G.S. 130A-39(b). The statute currently allows a local board of health to adopt "a more stringent rule" in an area regulated by either the Commission for Health Services or the Environmental Management Commission when a more stringent

rule is required to protect the public health. If a local board of health does not adopt a more stringent rule, the rules of either Commission prevail. Some have interpreted the language to imply that "a more stringent rule" means that a local board of health cannot adopt more than one such rule for a program.

The Groundwater Study Committee recommends that the General Assembly amend G.S. 130A-39(b) to allow local boards of health to adopt by reference rules adopted by either Commission with any more stringent modifications or additions deemed necessary by the local board of health to protect the public health. This language clearly allows a local board of health to adopt more than one stringent rule, if necessary. If more stringent modifications or additions are not deemed necessary, the rules of the Commission for Health Services or the Environmental Management Commission prevail.

RECOMMENDATION 3

The Groundwater Study Committee recommends that the 1991 General Assembly enact legislation to continue the Legislative Research Commission's Committee on the Development of a State Strategy for the Protection of All Groundwater Resources.

The Groundwater Study Committee finds that groundwater is a crucial resource to North Carolina for drinking water and farming. In addition, the Committee finds that groundwater resources across the State are increasingly vulnerable to contamination from many activities including, but not limited to: unsafe or illegal disposal of sewage; improper and unregulated well construction; leaking underground storage tanks; improper solid and hazardous waste disposal; and pesticide contamination. The Committee was presented with information which documented the fragmented and

ambiguous authorities on the State's ability to effectively protect groundwater resources. Numerous people testified (including the Department of Environment, Health, and Natural Resources, industry representatives and environmental representatives) that a "Comprehensive Groundwater Protection Act" would correct the fragmentation problem. Due to the recent consolidation of agencies within the Department, the issue of overlapping responsibilities with respect to boards and commissions has not been resolved. Also, the Legislative Research Commission expanded the scope of the Groundwater Study Committee when it referred the study on "Individual and Small System Wastewater Needs" to the Groundwater Study Committee. In addition, several studies relating to pesticide contamination of groundwater have not yet been completed.

Some additional unresolved issues before the Committee include: 1) whether a simple policy and purpose section would resolve the ambiguities or whether a complete recodification of groundwater statutes is necessary; 2) whether the Department of Environment, Health, and Natural Resources should be allowed to issue "Special Orders" pursuant to G.S. 143-215.2 to agricultural operations for cleanup of groundwater contamination caused by pesticides; 3) whether the Pesticide Board or another agency should be directed to collect and maintain information related to the quantity of pesticides sold and distributed in this State; 4) whether well drilling contractors should be licensed; and 5) whether civil penalties for persons who repeatedly violate provisions of the Well Construction Act should be modified and increased.

Due to the large number of pending issues, the Groundwater Study Commission recommends that the 1991 General Assembly continue the Legislative Research Commission's Committee on the Development of a State Strategy for the Protection of All Groundwater Resources.

APPENDIX A

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION
RATIFIED BILL

CHAPTER 802
SENATE BILL 231

AN ACT TO AUTHORIZE STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, TO CREATE AND CONTINUE VARIOUS COMMITTEES AND COMMISSIONS, TO MAKE APPROPRIATIONS THEREFOR, AND TO DIRECT VARIOUS STATE AGENCIES TO STUDY SPECIFIED ISSUES.

The General Assembly of North Carolina enacts:

PART I. TITLE

Section 1. This act shall be known as "The Studies Act of 1989."

. . .

PART II.-----LEGISLATIVE RESEARCH COMMISSION

Sec. 2.1. The Legislative Research Commission may study the topics listed below. Listed with each topic is the 1989 bill or resolution that originally proposed the issue or study and the name of the sponsor. The Commission may consider the original bill or resolution in determining the nature, scope and aspects of the study. The topics are:

(15) Development of a State Strategy for the Protection of All Groundwater Resources (H.J.R. 554 - DeVane, S.J.R. 367 - Winner)

. . .

Sec. 2.4. Committee Membership. For each Legislative Research Commission Committee created during the 1989-1991 biennium, the Cochairmen of the Commission each shall appoint a minimum of seven members.

Sec. 2.5. Reporting Dates. For each of the topics the Legislative Research Commission decides to study under this act or pursuant to G.S. 120-30.17(1), the Commission may report its findings, together with any recommended legislation, to the 1990 Session of the 1989 General Assembly or the 1991 General Assembly, or both.

Sec. 2.6. Bills and Resolution References. The listing of the original bill or resolution in this Part is for reference purposes only and shall not be deemed to have incorporated by reference any of the substantive provisions contained in the original bill or resolution.

Sec. 2.7. Funding. From the funds available to the General Assembly, the Legislative Services Commission may allocate additional monies to fund the work of the Legislative Research Commission.

. . .

PART XXV.-----EFFECTIVE DATE

Sec. 25.1. This act shall become effective July 1, 1989.

In the General Assembly read three times and ratified this the 12th day of August, 1989.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

S **1**

SENATE JOINT RESOLUTION 367*

Sponsors: Senators Winner and Cochrane.

Referred to: Rules and Operation of the Senate.

March 8, 1989

A JOINT RESOLUTION REQUESTING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE NEED FOR COMPREHENSIVE GROUNDWATER LEGISLATION TO ADEQUATELY PROTECT THE GROUNDWATER RESOURCES OF NORTH CAROLINA.

Whereas, more than half the citizens of North Carolina are dependent on groundwater as their principal source of drinking water; and

Whereas, groundwater resources across the State are increasingly vulnerable to contamination from many land use activities and an unprecedented number of leaking underground storage tanks; and

Whereas, the State's fragmented groundwater protection authorities have effectively frustrated efforts to protect these resources and to clean up pollution where incidents of groundwater contamination have occurred; and

Whereas, this inability to effectively protect groundwater is leading to increased statewide degradation of the resource;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. The Legislative Research Commission is authorized to study the impact of fragmented and ambiguous authorities on the State's ability to effectively protect groundwater resources, and to assess the need for a Comprehensive Groundwater Protection Act which would correct this fragmentation problem. The

Commission is further authorized to prepare an interim report of its study, and to make final recommendation, including recommendations to the 1989 General Assembly, Regular Session 1990.

Sec. 2. This resolution is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

H **1**

HOUSE JOINT RESOLUTION 554*

Sponsors: Representatives DeVane; J. Crawford, Bowman, and Bowen.

Referred to: Rules.

March 14, 1989

A JOINT RESOLUTION REQUESTING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE NEED FOR COMPREHENSIVE GROUNDWATER LEGISLATION TO ADEQUATELY PROTECT THE GROUNDWATER RESOURCES OF NORTH CAROLINA.

Whereas, more than half the citizens of North Carolina are dependent on groundwater as their principal source of drinking water; and

Whereas, groundwater resources across the State are increasingly vulnerable to contamination from many land use activities and an unprecedented number of leaking underground storage tanks; and

Whereas, the State's fragmented groundwater protection authorities have effectively frustrated efforts to protect these resources and to clean up pollution where incidents of groundwater contamination have occurred; and

Whereas, this inability to effectively protect groundwater is leading to increased statewide degradation of the resource;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The Legislative Research Commission may study the impact of fragmented and ambiguous authorities on the State's ability to effectively protect groundwater resources, and to assess the need for a Comprehensive Groundwater Protection Act which would correct this fragmentation problem. The Commission is

further authorized to prepare an interim report of its study, and to make a final recommendation, including recommendations to the 1989 General Assembly, Regular Session 1990.

Sec. 2. This resolution is effective upon ratification.

APPENDIX B

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION
RATIFIED BILL

CHAPTER 1078
HOUSE BILL 296

AN ACT TO AUTHORIZE STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, TO CREATE AND CONTINUE VARIOUS COMMITTEES AND COMMISSIONS, AND TO ALLOCATE FUNDS THEREFOR.

The General Assembly of North Carolina enacts:

PART I.-----TITLE

Section 1. This act shall be known as "The Studies Act of 1990."

. . .

Sec. 2.1. The Legislative Research Commission may study the topics listed below. Listed with each topic is the 1989 or 1990 bill or resolution that originally proposed the issue or study and the name of the sponsor. The Commission may consider the original bill or resolution in determining the nature, scope, and aspects of the study. The topics are:

(1) Small System and Individual Water and Wastewater Needs (H.B. 2373 - Hardaway)

. . .

Sec. 2.8. Committee Membership. For each Legislative Research Commission Committee created during the 1989-1991 biennium, the Cochairmen of the Commission each shall appoint a minimum of seven members.

Sec. 2.9. Reporting Dates. For each of the topics the Legislative Research Commission decides to study under this act or pursuant to G.S. 120-30.17(1), the

Commission may report its findings, together with any recommended legislation, to the 1991 General Assembly.

Sec. 2.10. Bills and Resolution References. The listing of the original bill or resolution in this Part is for reference purposes only and shall not be deemed to have incorporated by reference any of the substantive provisions contained in the original bill or resolution.

Sec. 2.1. Funding. From the funds available to the General Assembly, the Legislative Services Commission may allocate additional monies to fund the work of the Legislative Research Commission.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

H **1**

HOUSE BILL 2373

Short Title: Small System Wastewater Study. (Public)

Sponsors: Representatives Hardaway; H. Hunter and Hackney.

Referred to: Rules.

June 6, 1990

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY INDIVIDUAL AND SMALL SYSTEM WATER AND WASTEWATER NEEDS.

Whereas, access to clean drinking water and adequate methods of wastewater disposal is essential to the public health, environment, and economy of North Carolina; and

Whereas, hundreds of thousands of North Carolinians live without access to basic water and wastewater services every day; and

Whereas, most of these North Carolinians are the people least able to help themselves and are comprised mainly of the poor, the very old, and the very young; and

Whereas, there are few or no resources available to assist individuals who do not have access to basic water and wastewater services; and

Whereas, there is a lack of adequate information on individual and small system water and wastewater needs; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. The Legislative Research Commission may study individual household and small system water needs and the obstacles preventing access to potable water supplies and safe wastewater disposal methods for many of the State's citizens. The Legislative Research Commission may consider economic, health, and environmental problems that occur with small wastewater systems not owned by the State or local governments and shall focus its study on outhouses, failing septic tanks, and small failing waste treatment systems. The Legislative Research Commission may

consider the laws and rules governing small waste treatment systems and any other information relevant to this study.

The Legislative Research Commission may make its final report to the 1991 General Assembly.

Sec. 2. There is appropriated from the General Fund to the Legislative Research Commission for the 1990-91 fiscal year the sum of $15,000 to fund the study.

Sec. 3. This act shall become effective July 1, 1990.

APPENDIX C

MEMBERSHIP OF LRC COMMITTEE ON THE DEVELOPMENT OF A STATE STRATEGY FOR THE PROTECTION OF ALL GROUNDWATER RESOURCES

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the public water supply program pursuant to Article 10 of Chapter 130A of the General Statutes" for "Department of Human Resources" in the next-to-last paragraph of subsection (a) and deleted "of Human Resources" following "the Department" in subdivision (4) of subsection (b1), as enacted by c. 453.

Session Laws 1989 (Reg. Sess., 1990), c. 1004, s. 17, effective July 20, 1990, and Session Laws 1989 (Reg. Sess., 1990), c. 1024, s. 33, effective July 27, 1990 are identical and substituted "approve" for "approval" in subdivision (b1)(4).

Session Laws 1989 (Reg. Sess., 1990), c. 1037, s. 1, effective July 27, 1990, in subdivision (b)(4)b substituted "Department" for "Commission," substituted "parent, subsidiary, or other affiliate of the applicant or parent" for "parent or subsidiary corporation if the applicant is a corporation," and in the sentence following subparagraph 2 of this subdivision.

Legal Periodicals. — For note on estuarine pollution, see 49 N.C.L. Rev. 921 (1971).

CASE NOTES

Right to Appeal from Consent Special Order. — "Procedural injury," whereby petitioner State of Tennessee's right to be heard on certain aspects of a National Pollutant Discharge Elimination System (NPDES) permit was substantially impaired, was sufficient under § 150B-43 to qualify petitioner as an "aggrieved person" for purposes of appeal of issuance of Commission's consent special order with corporation. In addition, where the consent special order contained provisions substantially identical to provisions which petitioner opposed in the proposed NPDES permit, which affected the property rights of the petitioner in the Pigeon River, these allegations also established petitioner's "aggrieved person" status. State ex rel. Tennessee Dep't of Health & Env't v. Environmental Mgt. Comm'n, 78 N.C. App. 763, 338 S.E.2d 781 (1986).

Stated in Biddix v. Henredon Furn. Indus., Inc., 76 N.C. App. 30, 331 S.E.2d 717 (1985); Concerned Citizens v. North Carolina Envtl. Mgt. Comm'n, 89 N.C. App. 708, 367 S.E.2d 13 (1988).

§ 143-215.2. Special orders.

(a) Issuance. — The Commission is hereby empowered, after the effective date of classifications, standards and limitations adopted pursuant to G.S. 143-214.1 or G.S. 143-215, or a water supply watershed management requirement adopted pursuant to G.S. 143-214.5, to issue (and from time to time to modify or revoke) a special order, or other appropriate instrument, to any person whom it finds responsible for causing or contributing to any pollution of the waters of the State within the area for which standards have been established. Such an order or instrument may direct such person to take, or refrain from taking such action, or to achieve such results, within a period of time specified by such special order, as the Commission deems necessary and feasible in order to alleviate or eliminate such pollution. The Commission is authorized to enter into consent special orders, assurances of voluntary compliance or other similar documents by agreement with the person responsible for pollution of the water, subject to the provisions of subsection (a1) of this section regarding proposed orders, and such consent order, when entered into by the Commission after public review, shall have the same force and effect as a special order of the Commission issued pursuant to hearing. Provided, however, that the provisions of this section shall not apply to any agricultural operation, such as the use or preparation of any land for the purposes of planting, growing, or harvesting plants, crops, trees or other agricultural products, or raising livestock or poultry.

Editor's Note. — The word "representative" has been inserted in brackets in the text above to reflect the apparent intent of the legislature.

Effect of Amendments. — The 1989 amendment, effective July 1, 1989, rewrote subsection (b).

The 1989 (Reg. Sess., 1990) amendment, effective July 20, 1990, in subsection (b), substituted "State Health Director or his designee" for "State Health Director," and substituted "Division of Solid Waste Management" for "Solid Waste Management Division."

Part 2. Regulation of the Use of Pesticides.

§ 143-440. Restricted use pesticides regulated.

(a) The Board may, by regulation after a public hearing, adopt and from time to time revise a list of restricted use pesticides for the State or for designated areas within the State. The Board may designate any pesticide or device as a "restricted use pesticide" upon the grounds that, in the judgment of the Board (either because of its persistence, its toxicity, or otherwise) it is so hazardous or injurious to persons, pollinating insects, animals, crops, wildlife, lands, or the environment, other than the pests it is intended to prevent, destroy, control, or mitigate that additional restriction on its sale, purpose, use or possession are required.

(b) The Board may include in any such restricted use regulation the time and conditions of sale, distribution, or use of such restricted use pesticides, may prohibit the use of any restricted use pesticide for designated purposes or at designated times; may require the purchaser or user to certify that restricted use pesticides will be used only as labeled or as further restricted by regulation; may require the certification and recertification of private applicators, and charge a fee of up to ten dollars ($10.00), with the fee set at a level to make the certification/recertification program self-supporting, and, after opportunity for a hearing, may suspend, revoke or modify the certification for violation of any provision of this Article, or any rule or regulation adopted thereunder; and may, if it deems it necessary to carry out the provisions of this Part, require that any or all restricted use pesticides shall be purchased, possessed, or used only under permit of the Board and under its direct supervision in certain areas and/or under certain conditions or in certain quantities or concentrations except that any person licensed to sell such pesticides may purchase and possess such pesticides without a permit. The Board may require all persons issued such permits to maintain records as to the use of the restricted use pesticides. The Board may authorize the use of restricted use pesticides by persons licensed under the North Carolina Structural Pest Control Act without a permit. (1971, c. 832, s. 1; 1979, c. 448, s. 1; 1981, c. 592, s. 1; 1987, c. 559, s. 2; c. 846.)

§ 143-441. Handling, storage and disposal of pesticides.

(a) The Board may adopt regulations:

(1) Concerning the handling, transport, storage (which may include security precautions), display or distribution of pesticides, and concerning the disposal of pesticides and pesticide containers.

§ 143-467. Financial responsibility.

(a) The Board may require from a licensee or an applicant for a license under this Article evidence of his financial ability to properly indemnify persons suffering damage from the use or application of pesticides, in the form of a surety bond, liability insurance or cash deposit. The amount of this bond, insurance or deposit shall be determined by the Board, in light of the risk of damage. The indemnification requirements may extend to damage to persons and property from equipment used (including aircraft).

(b) The Board may also require a reasonable performance bond with satisfactory surety to secure the performance of contractual obligations of the licensee, with respect to application of pesticides. Any person injured by the breach of any such obligation or any person damaged by pesticides or by equipment used in their application shall be entitled to sue on the bond in his own name in any court of competent jurisdiction to recover the damages he may have sustained.

(c) Any regulations adopted by the Board pursuant to G.S. 143-461 to implement this section may provide for such conditions, limitations and requirements concerning the financial responsibility required by this section as the Board deems necessary, including but not limited to notice of reduction or cancellation of coverage, deductible provisions, and acceptability of surety. Such regulations may classify financial responsibility requirements according to the separate license classifications and subclassifications prescribed by the Board pursuant to G.S. 143-452 and the dealer category (Part 3 of this Article). (1971, c. 832, s. 1.)

§ 143-468. Disposition of fees.

All fees and charges received by the Board under this Article shall be deposited in the Department of Agriculture General Fund Budget for the purpose of administration and enforcement of this Article, with proper approved accounting procedures accounting for all expenditures and receipts. (1971, c. 832, s. 1.)

§ 143-469. Penalties.

(a) Any person who shall be adjudged to have violated any provision of this Article, or any regulation of the Board adopted pursuant to this Article, shall be guilty of a misdemeanor, and for each violation shall be liable for a penalty of not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000) or shall be imprisoned for not more than 60 days, or both. In addition, if any person continues to violate or further violates any provision of this Article after written notice from the Board, the court may determine that each day during which the violation continued or is repeated constitutes a separate violation subject to the foregoing penalties.

(b) A civil penalty of not more than two thousand dollars ($2,000) may be assessed by the Board against any person who:

(1) Sells or offers for sale any unregistered pesticide in violation of G.S. 143-442;

(2) Uses a pesticide in a manner inconsistent with its labeling;

(3) Stores or disposes of a pesticide or pesticide container by means other than means prescribed on the labeling or regulations adopted pursuant to this Article;
(4) Makes false or fraudulent claims about the effect of any pesticide or method of application of a pesticide;
(5) Violates any stop sale, stop use, or removal order adopted under G.S. 143-447;
(6) Fails to provide names and addresses of recipients of pesticides which are the subject of stop sale, stop use, or removal orders when the person is the registrant of the pesticide or has sold or distributed the pesticide;
(7) Fails to make and keep records required by this Article, fails to make reports when required by this Article or refuses to make such records and reports available for audit or inspection by the Board or its agents;
(8) Falsifies all or part of any application for the registration of a pesticide or the issuance or renewal of any license under this Article;
(9) Makes false statements or provides false information in connection with any investigation conducted under this Article;
(10) Operates as a pesticide applicator, consultant or dealer without a license;
(11) Makes any restricted use pesticide available for use by any person other than a certified private applicator, licensed pesticide applicator, certified structural pest control applicator, or structural pest control licensee or an employee working under the direct supervision of such applicator or licensee.
(12) Distributes, sells or offers for sale any restricted use pesticide to any dealer who does not hold a valid North Carolina Pesticide Dealer License.

In determining the amount of any penalty, the Board may consider the degree and extent of harm caused by the violation and the cost of rectifying the damage caused by the violation.

(c) Proceedings for the assessment of civil penalties under this section shall be governed by Chapter 150B of the North Carolina General Statutes. If the person assessed a civil penalty fails to pay the penalty to the North Carolina Department of Agriculture, the Board may institute an action in the superior court of the county in which the person resides or has his principal place of business to recover the unpaid amount of said penalty. An action to recover a civil penalty under this section shall not relieve any party from any other penalty prescribed by law.

(d) Notwithstanding any other provision of this Article, the maximum penalty which may be assessed under this section against any person referred to in G.S. 143-460(29)a shall not exceed five hundred dollars ($500.00). Penalties may be assessed under this section against a person referred to in G.S. 143-460(29)a only for willful violations. (1971, c. 832, s. 1; 1981, c. 592, s. 12; 1987, c. 559, s. 21; c. 827, s. 1.)

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

H **D**

91-RD-009
THIS IS A DRAFT 17-DEC-90 10:29:06

Short Title: County Clean-Up Funds. (Public)

Sponsors:

Referred to:

A BILL TO BE ENTITLED

AN ACT TO APPROPRIATE FUNDS TO QUALIFIED COUNTIES TO SURVEY, CLEAN UP, AND ELIMINATE ILLEGAL DISCHARGES OF SEWAGE ONTO LAND OR INTO SURFACE WATERS IN VIOLATION OF ARTICLE 11 OF CHAPTER 130A OF THE NORTH CAROLINA GENERAL STATUTES.

Whereas, the 1987-88 General Assembly funded a project in Haywood County to survey, clean up, and eliminate illegal discharges of sewage into streams of this State;

Whereas, the project was successful in identifying and assisting Haywood County to clean up the streams and rivers of this State;

Whereas, it is the intent of the North Carolina General Assembly to expand the project to assist forty-two (42) rural counties to survey, clean up, and eliminate illegal discharges of sewage onto land or into surface waters; and

Whereas, the selected counties include those with eight percent (8%) or more residences without public sewer or septic tank systems based on 1980 Census Data; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. (a) There is appropriated from the General Fund to the Department of Environment, Health, and Natural Resources the sum of $2,100,000 for the 1991-92 fiscal year which shall be allocated in grants of $50,000 to the following counties: Alleghany, Anson, Ashe, Bertie, Bladen, Camden,

Caswell, Chatham, Cherokee, Chowan, Clay, Columbus, Duplin, Edgecombe, Franklin, Gates, Graham, Granville, Greene, Halifax, Hertford, Hoke, Hyde, Jones, Madison, Martin, Mitchell, Montgomery, Nash, Northampton, Pamlico, Pender, Perquimans, Person, Robeson, Sampson, Stokes, Tyrrell, Vance, Warren, Washington, and Yancey. Each grant shall be used by the county to enter into a contract with the local or district county health departments to survey illegal discharges of sewage onto land or into surface waters of this State in violation of Article 11 of Chapter 130A of the North Carolina General Statutes.

(b) There is appropriated from the General Fund to the Department of Environment, Health, and Natural Resources the sum of $4,200,000 for the 1992-93 fiscal year which shall be allocated in grants of $100,000 to the following counties: Alleghany, Anson, Ashe, Bertie, Bladen, Camden, Caswell, Chatham, Cherokee, Chowan, Clay, Columbus, Duplin, Edgecombe, Franklin, Gates, Graham, Granville, Greene, Halifax, Hertford, Hoke, Hyde, Jones, Madison, Martin, Mitchell, Montgomery, Nash, Northampton, Pamlico, Pender, Perquimans, Person, Robeson, Sampson, Stokes, Tyrrell, Vance, Warren, Washington, and Yancey. Each grant shall be used by the county to enter into a contract with the local or district county health departments to clean up and eliminate the discharges identified in the survey conducted pursuant to Subsection (a) of Section 1 of this act; provided, however, that no county shall receive cleanup funds for the 1992-93 fiscal year unless that county has received survey approval from the Department pursuant to Section 2 of this act.

Sec. 2. Funds allocated to each county under Subsection (a) of Section 1 of this act for the 1991-92 fiscal year shall be used to survey illegal sewage discharges. The Department of Environment, Health, and Natural Resources shall establish a working group which shall consist of ten (10) members, to be designated by the North Carolina Public Health Directors Association. The working group shall develop a model survey for these counties and shall submit it to the Department for final approval. The model survey shall be completed and approved by the Department no later than August 1, 1991 or sixty (60) days after ratification of this act, whichever is later. The Department shall provide copies of the model survey to these counties within 30 days of the date that the model survey is finalized. The counties listed in Section 1 of this act shall complete a survey that is consistent with the model survey by June 1, 1992. The Department shall have thirty (30) working days from the date the Department receives a county survey to

determine whether the survey is deemed consistent with the model survey. If the Department determines that a county survey submitted by a county is not consistent with the model survey, that county shall not receive clean-up funds appropriated in Subsection (b) of Section 1 of this act.

Sec. 3. Funds allocated to each county under Subsection (b) of Section 1 of this act for the 1992-93 fiscal year shall be used by the county to enter into a contract with the local or district county health departments for grants-in-aid to low-income county residents to clean up and eliminate illegal sewage discharges identified by the county survey conducted under Section 2 of this act. "Low-income" means those persons and families whose incomes do not exceed fifty percent (50%) of the median family income for the local area, with adjustments for family size, according to the latest figures available from the United States Department of Housing and Urban Development. Grants-in-aid recipients must receive an improvement permit from the local or district health department prior to the receipt of any grant funds.

Sec. 4. There is appropriated from the General Fund to the Department of Environment, Health, and Natural Resources the sum of $245,624 for the 1991-92 fiscal year and $219,124 for the 1992-93 fiscal year for administrative support and up to five (5) positions to assist local officials in designing and approving sewage systems which meet state and local regulatory requirements, and expenses.

Sec. 5. There is appropriated from the General Fund to the Department of Environment, Health and Natural Resources a sum not to exceed $170,000 for the 1992-93 fiscal year in incentive grants of $10,000 to be awarded to the first seventeen (17) counties which receive approval by the Department for the survey submitted prior to January 1, 1992. The grants shall be used for public health activities.

Sec. 6. Each county receiving funds under this act shall submit a final report to the Department by June 30, 1993 on the expenditure of these funds.

Sec. 7. Those funds appropriated under Subsection (a) of Section 1 of this act for the fiscal year 1991-92 that are not expended as of June 30, 1992 shall revert to the General Fund and may be reappropriated by the General Assembly during the 1992-93 fiscal year for additional surveys based on 1980 Census Data for counties with seven (7%) or more residents who lack public sewer or septic tank systems.

Sec. 8. Section 2 of this act shall become effective upon ratification. The remainder of this act shall become effective July 1, 1991 and shall expire June 30, 1993.

County Clean-up Funds

The bill makes four types of appropriations:

1. Design assistance and program support (including Admin. Asst. II, Sanitation Prog. Supv., and up to 3 Soil Scientists) in the Department of Environment, Health, and Natural Resources;

2. Funds to designated counties to survey and locate illegal sewage discharges (this cost will vary depending on how many counties are designated);

3. Incentive grants of $10,000 to the first 17 qualifying counties (those which complete the survey in #2 above by the incentive period deadline) to be used for public health activities; and

4. Cleanup funds to designated counties (this cost will vary depending on how many counties are designated).

First year funding includes: EHNR assistance and support
Survey funds

Second year funding includes: EHNR assistance and support
Incentive grants
Cleanup funds

See page 2 for funding details for 1991-93 biennium.

Counties are designated based on the percentage of the county residences without public sewer or septic tank system (in the 1980 Census) as shown on page 3.

	1991-92	1992-93
9% or more counties (34 counties)		
1. N.C. Department of Environment, Health, and Natural Resources (EHNR) -- 5 positions to design and approve local sewage systems meeting regulatory requirements	$ 245,624 (5)	$ 219,124 (5)
2. Survey funds	1,700,000	0
3. Incentive funds	0	170,000
4. Clean-up funds	0	3,400,000
TOTAL 9% or more	**$1,945,624**	**$3,789,124**
8% or more counties (42 counties)		
1. EHNR	$ 245,624	$ 219,124
2. Survey funds	2,100,000	0
3. Incentive funds	0	170,000
4. Clean-up funds	0	4,200,000
TOTAL 8% or more	**$2,344,624**	**$4,589,124**
7% or more counties (45 counties)		
1. EHNR	$ 245,624	$ 219,124
2. Survey funds	2,250,000	0
3. Incentive funds	0	170,000
4. Clean-up funds	0	4,500,000
TOTAL 7% or more	**$2,495,624**	**$4,889,124**
6% or more counties (51 counties)		
1. EHNR	$ 245,624	$ 219,124
2. Survey funds	2,550,000	0
3. Incentive funds	0	170,000
4. Clean-up funds	0	5,100,000
TOTAL 6% or more	**$2,795,624**	**$5,489,124**
5% or more counties (62 counties)		
1. EHNR	$ 245,624	$ 219,124
2. Survey funds	3,100,000	0
3. Incentive funds	0	170,000
4. Clean-up funds	0	6,200,000
TOTAL 5% or more	**$3,345,624**	**$6,589,124**
4% or more counties (71 counties)		
1. EHNR	$ 245,624	$ 219,124
2. Survey funds	3,550,000	0
3. Incentive funds	0	170,000
4. Clean-up funds	0	7,100,000
TOTAL 4% or more	**$3,795,624**	**$7,489,124**

County Designations

9% or more -- 34 counties

Using the percentage of 9% or more residences without public sewer or septic tank systems, the following 34 counties would be designated:

Anson, Ashe, Bertie, Bladen, Camden, Caswell, Chatham, Columbus, Duplin, Edgecombe, Franklin, Gates, Granville, Greene, Halifax, Hertford, Hoke, Hyde, Jones, Madison, Martin, Mitchell, Nash, Northampton, Pamlico, Pender, Perquimans, Person, Sampson, Stokes, Tyrrell, Vance, Warren and Yancey

8% or more -- 42 counties

Using the percentage of 8% or more residences without public or septic tank systems, an additional 8 counties would be designated for a total of 42 counties:

Alleghany, Cherokee, Chowan, Clay, Graham, Montgomery, Robeson and Washington

7% or more -- 45 counties

Using the percentage of 7% or more residences without public or spetic tank systems, an additional 3 counties would be designated for a total of 45 counties:

Avery, Beaufort and Jackson

6% or more -- 51 counties

... an additional 6 counties would be designated for a total of 51 counties:

Currituck, Harnett, Johnston, Polk, Swain and Wilson

5% or more -- 62 counties

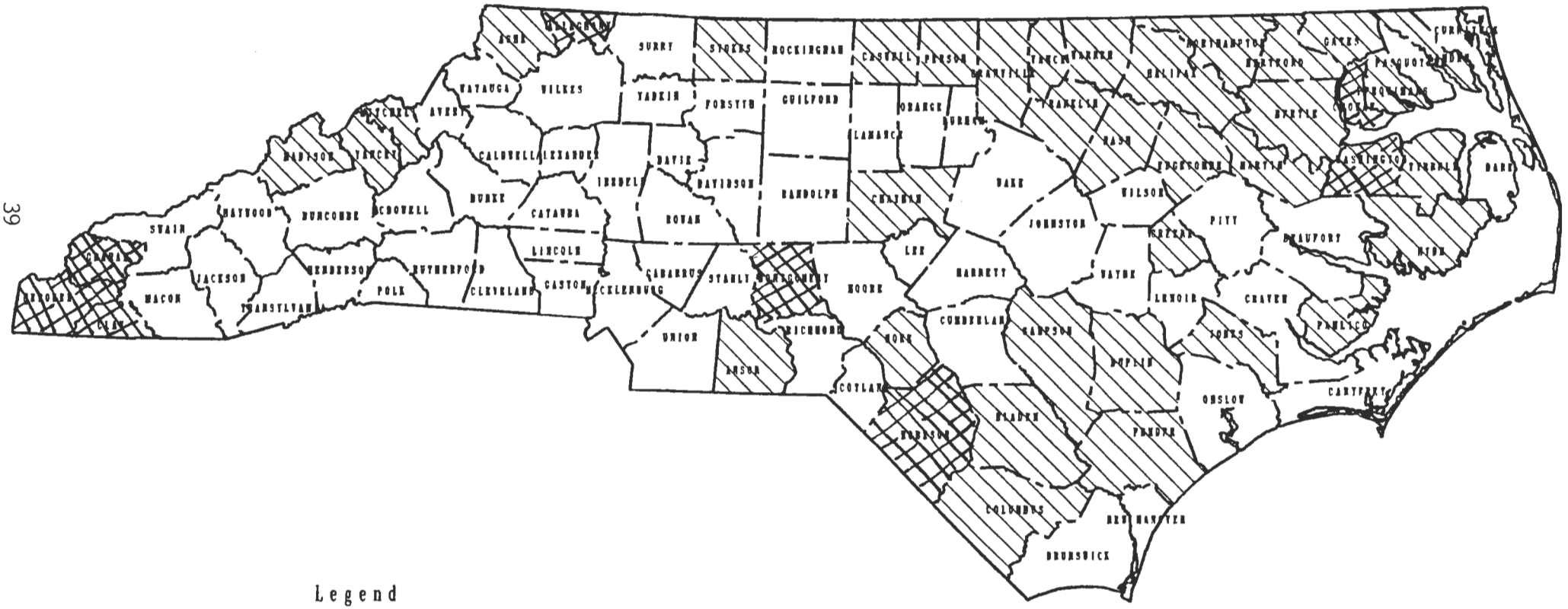
... an additional 11 counties would be designated for a total of 62 counties:

Alexander, Lee, Lenoir, Macon, Moore, Pitt, Richmond, Scotland, Surry, Wilkes and Yadkin

4% or more -- 71 counties

Alamance, Cleveland, Davie, Lincoln, McDowell, Randolph, Rockingham, Rutherford and Wayne

State of North Carolina



Legend

County with 9% or more residences without public sewer or septic tanks, based on the 1980 Census data.

8% or more residences

October 1990

Prepared by:
Center for Geographic Information & Analysis
NC Dept. of Environment, Health, and Natural Resources

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

H **D**

91-RD-021
THIS IS A DRAFT 17-DEC-90 10:29:20

Short Title: Local Health Bd Rules Protect Health. (Public)

Sponsors:

Referred to:

A BILL TO BE ENTITLED

AN ACT TO CLARIFY LANGUAGE TO AUTHORIZE LOCAL BOARDS OF HEALTH TO ADOPT RULES MORE STRINGENT THAN THE COMMISSION FOR HEALTH SERVICES OR THE ENVIRONMENTAL MANAGEMENT COMMISSION WHEN DEEMED NECESSARY TO PROTECT THE PUBLIC HEALTH.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-39(b) reads as rewritten:

"(b) ~~A local board of health may adopt a more stringent rule in an area regulated by the Commission for Health Services or the Environmental Management Commission where, in the opinion of the local board of health, a more stringent rule is required to protect the public health;~~ A local board of health may adopt by reference rules adopted by the Commission for Health Services or the Environmental Management Commission, with any more stringent modifications or additions deemed necessary by the local board of health to protect the public health; otherwise, the rules of the Commission for Health Services or the rules of the Environmental Management Commission shall prevail over local board of health rules. However, a local board of health may not adopt a rule concerning the grading and permitting of food and lodging facilities as listed in Part 6 of Article 8 of this Chapter and a local board of health may adopt rules concerning sanitary sewage collection, treatment and disposal systems which are not designed to discharge effluent to the land surface or surface waters and

which are not public or community systems only in accordance with G.S. 130A-335(c)."

Sec. 2. This act is effective upon ratification.

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

H/S Joint Resolution **D**

91-RD-024
H/S Joint Resolution
THIS IS A DRAFT 17-DEC-90 10:30:00

Short Title: Groundwater LRC Continued. (Public)

Sponsors:

Referred to:

A JOINT RESOLUTION TO CONTINUE THE LEGISLATIVE RESEARCH COMMISSION STUDY ON THE DEVELOPMENT OF A STATE STRATEGY FOR THE PROTECTION OF ALL GROUNDWATER RESOURCES.

Whereas, the 1989 Session of the General Assembly authorized the Legislative Research Commission, Section 2.1 of Chapter 802 of the 1989 Session Laws to study the development of a State strategy for the protection of all groundwater resources; and

Whereas, the 1990 Session of the General Assembly authorized the Legislative Research Commission, Section 2.1 of Chapter 1078 of the 1990 Session Laws to study individual and small system wastewater needs, which study was referred to the Groundwater Study Commission; and

Whereas, in order to protect groundwater resources it is necessary to study all activities which affect groundwater; and

Whereas, the Groundwater Study Committee was unable to complete its work due to its expanded scope.

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The Legislative Research Commission as structured by Article 6B of Chapter 120 of the General Statutes, may continue the study of all groundwater management issues in the State of North Carolina. The Commission shall ascertain the need for a Comprehensive Groundwater Protection Act which would correct the current impact of fragmented and ambiguous authorities on the State's ability to effectively protect groundwater resources. In addition, the Commission shall continue to study the effects of all groundwater pollution on the State's ability to provide clean drinking water for all of its citizens, including but not limited to: improper and unregulated well construction; leaking underground storage tanks; improper solid and hazardous waste disposal; and pesticide contamination. Further, the Commission shall continue to study individual and small system wastewater needs and access to these basic resources. The Commission is further authorized to prepare an interim report of its study, and to make a final report, including recommendations to the 1993 General Assembly.

Sec. 2. This resolution is effective upon ratification.