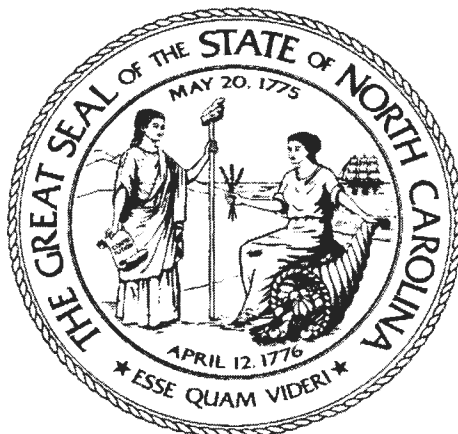


# NORTH CAROLINA GENERAL ASSEMBLY



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## ENVIRONMENTAL REVIEW COMMISSION

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REPORT TO THE  
2016 SESSION  
of the  
2015 GENERAL ASSEMBLY

APRIL 13, 2016

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## TRANSMITTAL LETTER

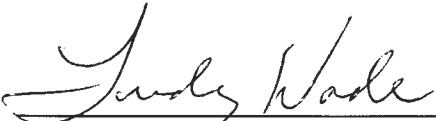
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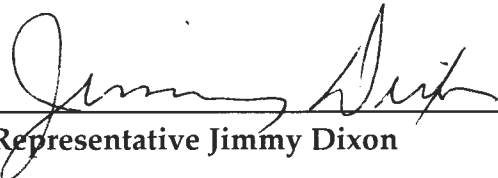
April 13, 2016

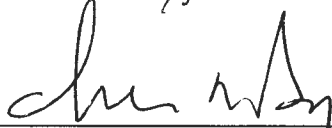
TO THE MEMBERS OF THE 2016 REGULAR SESSION  
OF THE 2015 GENERAL ASSEMBLY

Pursuant to Article 12D of Chapter 120 of the General Statutes, the Environmental Review Commission submits its report and recommendations to the 2016 Regular Session of the 2015 General Assembly.

Respectfully submitted,

  
\_\_\_\_\_  
Senator Trudy Wade

  
\_\_\_\_\_  
Representative Jimmy Dixon

  
\_\_\_\_\_  
Rep. Chuck McGrady

Co-Chairs  
Environmental Review Commission

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# STATUTORY AUTHORITY

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## NORTH CAROLINA GENERAL STATUTES ARTICLE 12D.

### **Environmental Review Commission.**

#### **§ 120-70.41. Commission established.**

The Environmental Review Commission is hereby established.

#### **§ 120-70.42. Membership; cochaIRS; vacancies; quorum.**

(a) The Environmental Review Commission shall consist of six Senators appointed by the President Pro Tempore of the Senate, six Representatives appointed by the Speaker of the House of Representatives, who shall serve at the pleasure of their appointing officer, the Chair or a Cochair of the Senate Committee on Agriculture, Environment, and Natural Resources or the equivalent committee, the Chair or a Cochair of the House of Representatives Committee on Environment and Natural Resources or the equivalent committee, the Chair or a Cochair of the Senate Committee on Appropriations – Natural and Economic Resources or the equivalent committee, and the Chair or a Cochair of the House of Representatives Committee on Appropriations – Natural and Economic Resources or the equivalent committee.

(b) The President Pro Tempore of the Senate shall designate one Senator to serve as cochair and the Speaker of the House of Representatives shall designate one Representative to serve as cochair.

(c) Except as otherwise provided in this subsection, a member of the Commission shall continue to serve for so long as the member remains a member of the General Assembly and no successor has been appointed. A member of the Commission who does not seek reelection or is not reelected to the General Assembly may complete a term of service on the Commission until the day on which a new General Assembly convenes. A member of the Commission who resigns or is removed from service in the General Assembly shall be deemed to have resigned or been removed from service on the Commission. Any vacancy that occurs on the Environmental Review Commission shall be filled in the same manner as the original appointment.

(d) A quorum of the Environmental Review Commission shall consist of nine members.

#### **§ 120-70.43. Powers and duties.**

(a) The Environmental Review Commission shall have the following powers and duties:

- (1) To evaluate actions of all boards, commissions, departments, and other agencies of the State and local governments as such actions relate to the environment or protection of the environment, including but not limited to an evaluation of:

- a. Benefits of each program relative to costs;

- b. Achievement of program goals;
  - c. Use of measures by which the success or failure of a program can be measured; and
  - d. Conformity with legislative intent;
- (2) To study on a continuing basis the organization of State government as it relates to the environment or to the protection of public health and the environment, including but not limited to:
- a. Improvements in administrative structure, practices, and procedures;
  - b. Increased integration and coordination of programs and functions;
  - c. Increased efficiency in budgeting and use of resources;
  - d. Efficient administration of licensing, permitting, and grant programs;
  - e. Prompt, effective response to environmental emergencies;
  - f. Opportunities for effective citizen participation; and
  - g. Broadening of career opportunities for professional staff;
- (3) To make any recommendations it deems appropriate regarding the reorganization and consolidation of environmental regulatory agencies and the recodification of statutes relating to the environment, including but not limited to:
- a. Ways in which agencies may operate more efficiently and economically;
  - b. Ways in which agencies can provide better services to the State and to the people; and
  - c. Instances in which functions of agencies are duplicative, overlapping, incomplete in scope or coverage, fail to accomplish legislative objectives, or for any other reason should be redefined or redistributed;
- (4) To review and evaluate changes in federal law and regulations, relevant court decisions, and changes in technology affecting the environment or protection of the environment;
- (5) To review existing and proposed State law and rules affecting the environment or protection of the environment and to determine whether any modification of law or rules is in the public interest;
- (6) To make reports and recommendations, including draft legislation, to the General Assembly from time to time as to any matter relating to the powers and duties set out in this section; and
- (7) To undertake such additional studies as it deems appropriate or as may from time to time be requested by the President Pro Tempore of the Senate, the Speaker of the House of Representatives, either house of the General Assembly, the Legislative Research Commission, the Joint Legislative Commission on Governmental Operations, the Joint Legislative Utility Review Committee, or the Joint Select Committee on Low-Level Radioactive Waste and to make such reports and recommendations to the General Assembly regarding such studies as it

deems appropriate; provided that the Environmental Review Commission shall not undertake any study which the General Assembly has assigned to another legislative commission or committee.

(b) The Environmental Review Commission may continue the study of environmental agency consolidation and reorganization. The study of environmental agency consolidation shall include, but is not limited to:

- (1) Monitoring the implementation of Session Laws 1989, c. 727;
- (2) Evaluation of the organization, programs, and operation of the Department of Environment and Natural Resources;
- (3) Evaluation of the organization, functions, powers, and duties of the components of the Department of Environment and Natural Resources, including boards, commissions, councils, and regional offices; and
- (4) Recodification of the General Statutes relating to the environment and environmental agencies.

(c) In addition to its general powers and duties, the Environmental Review Commission shall have the following powers and duties with respect to hazardous waste management:

- (1) To study the current and projected need for hazardous waste treatment, storage, and disposal capacity in the State in light of anticipated generation of hazardous waste and alternatives for hazardous waste treatment and disposal;
- (2) To evaluate the potential for the development of additional hazardous waste treatment, storage, and disposal capacity by the private sector;
- (3) To study the necessity for and scope of hazardous waste treatment, storage, and disposal facilities which are sited, owned, or operated by the State;
- (4) To review progress in securing a volunteer county to host a hazardous waste treatment facility;
- (5) To study incentives and compensation for the community which hosts, either voluntarily or involuntarily, a hazardous waste treatment facility, including any additional incentives and compensation which may be needed, whether there should be differential compensation for a volunteer county, options for use of funds by local governments, distribution of compensation among local governments, and methods of providing flexibility in the development of an incentives and compensation package for a particular local community;
- (6) To review progress in developing interstate agreements for the treatment, storage, and disposal of hazardous waste;
- (7) To assist in the development of cooperative, comprehensive regional approach to hazardous waste treatment and disposal;
- (8),(9) Repealed by Session Laws 2001-474, s. 12.
- (10) To study the capacity assurance requirement under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Pub. L. No. 96-510, 94 Stat. 2767, 42 U.S.C. 9601 et seq., as amended, and the Superfund Amendments and Reauthorization Act of 1986,

Pub. L. No. 99-499, 100 Stat. 1613, as amended as it relates to the continued eligibility of North Carolina for remedial actions under Superfund;

- (11) To study alternatives available to the State for dealing with hazardous waste and the ramifications of those alternatives; and
- (12) To receive and evaluate reports of every State agency, board, and commission which has any power or duty with respect to hazardous waste management.

**§ 120-70.44. Additional powers.**

The Environmental Review Commission, while in the discharge of official duties, may exercise all the powers provided for under the provisions of G.S. 120-19, and G.S. 120-19.1 through G.S. 120-19.4. The Environmental Review Commission may meet at any time upon the call of either cochairman, whether or not the General Assembly is in session. The Environmental Review Commission may meet in the Legislative Building or the Legislative Office Building upon the approval of the Legislative Services Commission.

Notwithstanding any rule or resolution to the contrary, proposed legislation to implement any recommendation of the Environmental Review Commission regarding any study the Environmental Review Commission is authorized to undertake or any report authorized or required to be made by or to the Environmental Review Commission may be introduced and considered during any session of the General Assembly.

**§ 120-70.45. Compensation and expenses of members.**

Members of the Environmental Review Commission shall receive subsistence and travel expenses at the rates set forth in G.S. 120-3.1.

**§ 120-70.46. Staffing.**

The Legislative Services Officer shall assign as staff to the Environmental Review Commission professional employees of the General Assembly, as approved by the Legislative Services Commission. Clerical staff shall be assigned to the Environmental Review Commission through the offices of the Supervisor of Clerks of the Senate and Supervisor of Clerks of the House of Representatives. The expenses of employment of clerical staff shall be borne by the Environmental Review Commission.

**§ 120-70.47. Funding.**

From funds available to the General Assembly, the Legislative Services Commission shall allocate monies to fund the work of the Environmental Review Commission.

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# COMMISSION MEMBERSHIP

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## ENVIRONMENTAL REVIEW COMMISSION

### 2015-2016 Membership

Pursuant to G.S. 120-70.42, the Environmental Review Commission consists of six members appointed by the President Pro Tempore of the Senate, six members appointed by the Speaker of the House of Representatives, the Chair or a Cochair of the Senate Committee on Agriculture, Environment, and Natural Resources, the Chair or a Cochair of the House of Representatives Committee on Environment and Natural Resources, the Chair or a Cochair of the Senate Committee on Appropriations – Natural and Economic Resources, and the Chair or a Cochair of the House of Representatives Committee on Appropriations – Natural and Economic Resources.

#### **Co-Chairs**

Rep. Jimmy Dixon (Co-Chair)	<a href="mailto:Jimmy.Dixon@ncleg.net">Jimmy.Dixon@ncleg.net</a>
Rep. Chuck McGrady (Co-Chair)	<a href="mailto:Chuck.McGrady@ncleg.net">Chuck.McGrady@ncleg.net</a>
Sen. Trudy Wade (Co-Chair)	<a href="mailto:Trudy.Wade@ncleg.net">Trudy.Wade@ncleg.net</a>

#### **Vice Chair**

Rep. Pat McElraft	<a href="mailto:Pat.McElraft@ncleg.net">Pat.McElraft@ncleg.net</a>
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#### **Legislative Members**

Rep. Rick Catlin	<a href="mailto:Rick.Catlin@ncleg.net">Rick.Catlin@ncleg.net</a>
Rep. Pricey Harrison	<a href="mailto:Pricey.Harrison@ncleg.net">Pricey.Harrison@ncleg.net</a>
Rep. Bob Steinburg	<a href="mailto:Bob.Steinburg@ncleg.net">Bob.Steinburg@ncleg.net</a>
Rep. Roger West	<a href="mailto:Roger.West@ncleg.net">Roger.West@ncleg.net</a>
Rep. Larry Yarborough	<a href="mailto:Larry.Yarborough@ncleg.net">Larry.Yarborough@ncleg.net</a>
Sen. John M. Alexander, Jr.	<a href="mailto:John.Alexander@ncleg.net">John.Alexander@ncleg.net</a>
Sen. Stan Bingham	<a href="mailto:Stan.Bingham@ncleg.net">Stan.Bingham@ncleg.net</a>
Sen. Brent Jackson	<a href="mailto:Brent.Jackson@ncleg.net">Brent.Jackson@ncleg.net</a>
Sen. Paul A. Lowe, Jr.	<a href="mailto:Paul.Lowe@ncleg.net">Paul.Lowe@ncleg.net</a>
Sen. Ronald J. Rabin	<a href="mailto:Ron.Rabin@ncleg.net">Ron.Rabin@ncleg.net</a>
Sen. Jane W. Smith	<a href="mailto:Jane.Smith@ncleg.net">Jane.Smith@ncleg.net</a>

#### **Advisory Members**

Rep. William D. Brisson	<a href="mailto:William.Brisson@ncleg.net">William.Brisson@ncleg.net</a>
Rep. Mike Hager	<a href="mailto:Mike.Hager@ncleg.net">Mike.Hager@ncleg.net</a>
Rep. Chris Millis	<a href="mailto:Chris.Millis@ncleg.net">Chris.Millis@ncleg.net</a>

#### **Ex Officio Members**

Sen. Andrew C. Brock	<a href="mailto:Andrew.Brock@ncleg.net">Andrew.Brock@ncleg.net</a>
----------------------	--

**Commission Staff:**

Jeff Hudson, Commission Counsel

Jennifer McGinnis, Commission Counsel

Jennifer Mundt, Commission Analyst

Jeff Cherry, Commission Counsel

Chris Saunders, Commission Counsel

Layla Cummings, Commission Counsel

Mariah Matheson, Commission Assistant

Commission Clerks: Laura Bone, Robert Mays, and Michael Wiggins

**Commission Contact Information:**

545 Legislative Office Building

300 North Salisbury Street

Raleigh, North Carolina 27603

(919) 733-2578

FAX: (919) 715-5460

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## COMMISSION PROCEEDINGS

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The Environmental Review Commission met four times during the interim between the 2015 and the 2016 Regular Sessions of the General Assembly. The Commission's Charge can be found [here](#). The following is a brief summary of the Commission's proceedings. Detailed minutes and information from the Commission meeting are available in the Legislative Library and [online](#).

**Wednesday, January 13, 2016**

**AGENDA**

**9:00 a.m.**

Room 643 Legislative Office Building  
Raleigh, North Carolina

1. Call to order  
Representative Chuck McGrady, presiding
2. Introductory remarks by Cochairs  
Representative Chuck McGrady  
Representative Jimmy Dixon  
Senator Trudy Wade
3. Report on the status of assessment, corrective action, prioritization, and closure for each coal combustion residuals surface impoundment as required by the Coal Ash Management Act of 2014 (G.S. 130A-309.204(a)).  
Tom Reeder, Assistant Secretary for the Environment  
Department of Environmental Quality
4. Interim report on activities to study and identify appropriate groundwater standards for hexavalent chromium and vanadium (Section 4.8A(b) of S.L. 2015-286).  
Tom Reeder, Assistant Secretary for the Environment  
Department of Environmental Quality
5. Report on activities to implement the audit privilege and limited immunity provisions of the Regulatory Reform Act of 2015 (Section 4.1(c) of S.L. 2015-286).  
John Evans, Chief Deputy Secretary  
Department of Environmental Quality



6. Establish a stakeholder group to conduct the following studies:  
The solid waste management study required by Section 14.21(a) of S.L. 2015-241.

The use of new technologies and strategies to dewater leachate and other forms of wastewater as required by Section 14.21(b) of S.L. 2015-241.

7. Commission discussion and announcements.

The first meeting of the Environmental Review Commission (ERC or Commission) was held on Wednesday January 13, 2016 at 9:00 a.m. in Room 643 of the Legislative Office Building. Representative Chuck McGrady presided.

Mr. Tom Reeder, Assistant Secretary, Department of Environmental Quality (DEQ), gave a report on the status of assessment, corrective action, prioritization, and closure for each coal combustion residuals surface impoundment as required by the Coal Ash Management Act of 2014.

Mr. Reeder gave an overview of dry ash excavation operations, beneficial use of coal ash rulemaking, groundwater comprehensive site assessments and corrective action plans, survey of private and public water supply wells, decanting/dewatering seeps, and permitting, enforcement activities, and prioritization.

Mr. Reeder also discussed the interim report to study and identify appropriate groundwater standards for hexavalent chromium and vanadium, municipal drinking water standards, and public water sampling. Mr. Reeder noted that coal ash cannot be excavated until the U.S. Environmental Protection Agency (U.S. EPA) issues permits.

Dr. Megan Davies, Chief of the Epidemiology Section, Department of Health and Human Services (DHHS), commented on hexavalent chromium and vanadium. She noted that DHHS issued health recommendations, not regulations. DHHS was mandated by the Coal Ash Management Act (CAMA) to come up with health risk evaluations.

There was Commission discussion on drinking water standards for private water wells, naturally occurring contaminations, CAMA reporting dates, pollutants in bottled water, ground water standards for chromium, and diseases associated with vanadium,

The Commission discussed whether or not Duke Energy is required to pay for bottled if a well has been contaminated by coal ash. Mr. Reeder said that if DEQ determines a well is unsafe because of Duke Power, then Duke Power is required to pay for it. Duke Power is currently paying for bottled water in areas where there are exceedances.

There was Commission discussion on vanadium levels above DHHS standards. Mr. Reeder indicated that county health departments will work with well owners to filter out these constituents. Mr. Reeder noted that most municipal drinking water has some level



of vanadium in it, some of which may be naturally occurring. Municipal water systems are regulated by the federal Safe Drinking Water Act.

Mr. John Evans, Chief Deputy Secretary, DEQ, reported on activities to implement the audit privilege and limited immunity provisions of the Regulatory Reform Act of 2015. Mr. Evans said that 25 states have regulatory audit provisions. North Carolina has had an audit policy since 1995. The Regulatory Reform Act of 2015 enhanced the audit provision and closed a number of loopholes. The U.S. EPA has a policy providing for audits and self-disclosure.

The Commission discussed public disclosure of audits and audit protection. Mr. Evans said in order to have a robust policy resulting in increased environmental protection, there must be some privilege to the company that performs the audit. However, the limited privilege requires disclosure on a number of occasions. Mr. Evans said that a provision in the Regulatory Reform Act of 2015 defines what an audit is and prevents a "continuous audit."

Rep. McGrady discussed the establishment of the stakeholder working groups.

## **Wednesday, February 10, 2016**

### **AGENDA**

**9:00 a.m.**

Room 643 Legislative Office Building  
Raleigh, North Carolina

1. Call to order  
Senator Trudy Wade, presiding
2. Introductory remarks by Cochairs  
Senator Trudy Wade  
Representative Chuck McGrady  
Representative Jimmy Dixon
3. Discussion of the disposal of solar panels  
Representative Jimmy Dixon  
  
Tom Reeder, Assistant Secretary for the Environment  
Department of Environmental Quality  
  
James McLawhorn, Director  
Electric Division, Public Staff, Utilities Commission  
  
Maggie Clark, Interim Director of Government Affairs  
North Carolina Sustainable Energy Association

Ricky Sinha, Director of Sustainable Development  
First Solar

4. Discussion of whether post-construction stormwater management measures are necessary outside of certain areas  
Tom Reeder, Assistant Secretary for the Environment  
Department of Environmental Quality
5. Discussion of reduction or elimination of riparian buffer requirements for intermittent streams  
Tom Reeder, Assistant Secretary for the Environment  
Department of Environmental Quality
6. Discussion of nutrient management in reservoirs  
Falls Lake Rules  
Forrest R. Westall, Sr., Executive Director  
Upper Neuse River Basin Association  
  
Jim Wrenn,  
Representing the Stormwater Utility of Granville County, Person County,  
Town of Butner, Town of Stem, and City of Creedmoor  
  
Effectiveness of nutrient management measures in reservoirs  
Tom Reeder, Assistant Secretary for the Environment  
Department of Environmental Quality
7. Commission discussion and announcements
8. Adjourn

The second meeting of the Environmental Review Commission (ERC or Commission) was held on Wednesday February 10, 2016 at 9:00 a.m. in Room 643 of the Legislative Office Building. Sen. Trudy Wade presided.

Mr. Tom Reeder, Assistant Secretary, Department of Environmental Quality (DEQ); Mr. James McLawhorn, Director, Electric Division, Public Staff, Utilities Commission; Ms. Maggie Clark, Interim Director of Government Affairs, North Carolina Sustainable Energy Association; and Mr. Ricky Sinha, Director of Sustainable Development, First Solar, gave presentations on the disposal of solar panels.

Mr. Reeder discussed the growth of the solar industry in North Carolina, solar panel components, end-of-life decommissioning, and environmental and health impacts.

There was Commission discussion on the party responsible for solar decommissioning. Mr. Reeder said that North Carolina does not require a bond. The Utilities Commission is

the adjudicator. Commission members asked about local government authority, zoning, and land evaluation and restoration.

Mr. James McLawhorn discussed the role of the Public Staff of the Utilities Commission, Solar Certificate of Public Convenience and Necessity, the top 10 counties for installed solar capacity, and the interconnection queue process.

Ms. Maggie Clark gave a presentation on the current decommissioning processes, how solar decommissioning is set out in contracts, and quality control of solar panels manufactured by suppliers.

Mr. Ricky Sinha discussed the solar decommissioning process.

The Commission discussed the value of the materials on solar farms, the toxicity of the materials, the average life span of the solar panels, effects of a natural disaster on solar farms, SEPA Reform (HB 795), and solar farm recycling procedures.

Mr. Forrest R. Westall, Sr., Executive Director, Upper Neuse River Basin Association and Mr. Jim Wrenn, representing the stormwater utility of Granville County, Person County, Town of Butner, Town of Stem, and City of Creedmoor; discussed the nutrient management in Falls Lake.

Mr. Westall noted that Falls Lake supplies 500,000 people with drinking water. There was Commission discussion on the importance of buffers, nitrogen levels, and intermittent streams.

Mr. Tom Reeder, discussed the effectiveness of nutrient management measures in reservoirs.

The Commission discussed the Regulatory Reform Act of 2015 (HB. 765), a potential study for coastal stormwater, mitigation of streams that the federal government classifies as important, and fish kills.

Commission discussion was open to the public.

## **Wednesday, March 9, 2016**

### **AGENDA**

**9:00 a.m.**

Room 643 Legislative Office Building  
Raleigh, North Carolina

1. Call to order  
Representative Jimmy Dixon
2. Introductory remarks by Cochairs  
Representative Jimmy Dixon

Senator Trudy Wade  
Representative Chuck McGrady

3. Update on the work of the Working Group on Solid Waste Issues and Wastewater Technologies  
Senator Wade  
Representative Dixon  
Jennifer McGinnis, Commission Counsel
4. Report on the consolidation and elimination of outdated and unnecessary reports to the Environmental Review Commission  
Representative Dixon  
Layla Cummings, Commission Counsel
5. Update on activities related to groundwater standards for hexavalent chromium and vanadium  
Dr. Randall Williams, State Health Director and Deputy Secretary for Health Services, Department of Health and Human Services
6. Presentation on risk of flame retardants and discussion of legislative proposals to reduce the risk  
Representative Pricey Harrison  
Representative Chuck McGrady  
  
Heather Stapleton, PhD  
Environmental Science and Policy Division, Duke University  
  
Susan Inglis, Executive Director  
Sustainable Furnishings Council  
  
Dennis Ozment  
Minnesota State Representative, Retired  
Minneapolis Fire Captain, Retired
7. Discussion of wetland and stream mitigation issues  
Stream mitigation requirements  
Tom Reeder, Assistant Secretary for the Environment  
Department of Environmental Quality (DEQ)  
  
Ed Neil and Clay Neill  
Neill Grading & Construction, Inc.  
Hickory, North Carolina  
  
Chris Huysman  
Huysman and Bandy, Inc.  
Sparta, North Carolina

404 permitting program  
Tom Reeder, Assistant Secretary for the Environment  
DEQ

8. Discussion of third-party challenges of federal permits issued by DEQ  
Craig Bromby, Deputy General Counsel  
DEQ
9. Commission discussion and announcements
10. Adjourn

The third meeting of the Environmental Review Commission (ERC or Commission) was held on Wednesday March 9, 2016 at 9:00 a.m. in Room 643 of the Legislative Office Building. Representative Jimmy Dixon presided.

Ms. Jennifer McGinnis, Commission Counsel, gave an update on the work of the Working Group on Solid Waste Issues and Wastewater Technologies. The working group was authorized by the Commission to study information relevant to whether solid waste management activities in the State are being conducted in a manner most beneficial to the citizens of the State, particularly in terms of efficiency and cost-effectiveness; and the use of new technologies and strategies, including the use of integrated and mobile aerosolization systems, to dewater leachate and other forms of wastewater.

Ms. McGinnis reported the following: the Department of Environmental Quality (DEQ) gave an overview on issues related to waste disposal in the State; the School of Government gave an overview of local government authority to provide solid waste/recycling services and their authority to fund those services through taxes and fees. The working group received comments from local government representatives and the private industry.

Ms. Layla Cummings, Commission Counsel, gave a report on the consolidation and elimination of outdated and unnecessary reports to the Commission. There was Commission discussion on the reasoning behind report eliminations.

Dr. Randall Williams, State Health Director and Deputy Secretary for Health Services, Department of Health and Human Services (DHHS), gave an update on activities related to groundwater standards for hexavalent chromium and vanadium. Dr. Williams updated the ERC on DHHS' analysis of hexavalent chromium and vanadium effects on public health. For the last 10 months DHHS examined municipal water supplies and regulatory standards of hexavalent chromium and vanadium. California is the only state to regulate both hexavalent chromium and vanadium.

Commission members asked if hexavalent chromium and vanadium are carcinogens. Dr. Williams noted that both hexavalent chromium and vanadium are carcinogens based on

animal trials. Based on public health standards, DHHS set the standard at a level that would cause a one-in-a-million chance of causing cancer after consumption for 70 years. DHHS set a standard of 0.3 micrograms per liter of water.

DEQ announced on March 1, 2016 that it would change its groundwater standard for vanadium to 20 micrograms per litre of water from .3 micrograms. The U.S. Environmental Protection Agency (U.S. EPA) plans to weigh in on the health risk of hexavalent chromium and vanadium. In response DHHS lifted the drinking water restrictions on certain wells located near coal ash ponds.

Representative Pricey Harrison and Representative Chuck McGrady discussed a legislative proposal to reduce the risk of flame retardants and introduced the flame retardant panel.

Dr. Heather Stapleton, PhD, Environmental Science and Policy Division, Duke University, discussed flame retardant chemicals in consumer products and human exposure concerns. Dr. Stapleton discussed the regulations that govern the use of flame retardants and the types of products treated with flame retardants. Dr. Stapleton noted that polybrominated diphenyl ethers (PBDEs) are increasing in breast milk. Dr. Stapleton also discussed worldwide exposure trends and flame retardants in infant products,

Ms. Susan Inglis, Executive Director, Sustainable Furnishings Council, discussed the benefits of chemical free/green furnishings.

Mr. Dennis Ozment, Retired Minnesota State Representative, Retired Minneapolis Fire Captain, presented information on the dangers of fire retardants in home furnishings. Mr. Ozment said that the chemicals slowed down the fires, but caused an increase in smoke and toxicity. Firefighters are exposed during and after the fire and the toxicity is having an impact on them. Getting the chemicals reduced in the materials will make it safer for firefighters. The toxicity is absorbed through the skin into their bodies and it stays in their clothing. Cancer rates among firefighters is much higher than the average citizen.

Dr. Stapleton noted the phenomenon that domestic cats are coming down with rapid thyroidism due to flame retardants. PBDEs are significantly higher in cats that come down with hyper thyroidism. Thyroidism is the highest growing cancer in the U.S. We are trying to determine if flame retardants are a contributing factor to thyroid cancer.

There was Commission discussion on the dangers of flame retardants to the endocrine system, PBDEs in marine mammals, market viability of chemical free products, if PBDEs are in the drinking water, and potential litigation of non-flame retardant products.

The Commission received public comment on PBDEs.

Mr. Tom Reeder, Assistant Secretary for the Environment, DEQ, discussed stream mitigation requirements, including Army Corps of Engineers Districts, mitigation thresholds, 404 program assumption, and the State programmatic general permit.

Mr. Ed Neil, Neill Grading & Construction, Inc., Hickory, North Carolina, discussed wetland and stream mitigation issues. Mr. Neil said stream mitigation is unnecessary unless it's a trout stream. He noted that the requirements do not take into consideration new technology and creates an unfair advantage in the State.

Mr. Chris Huysman, Huysman and Bandy, Inc., Sparta, North Carolina is a wetland consultant. Mr. Huysman explained the 404 process. Mr. Huysman said that the process is complicated. When his company fills in a stream, they use new technological standards in order to avoid the loss of habitat. Mr. Huysman said that there wasn't as much consideration for aquatic life in the 1990s. The review process doesn't address stream mitigation, just wetland mitigation. Mr. Huysman said the threshold can be moved from 300 feet. Impacts less than 300 feet are minimal.

There was Commission discussion on the different districts and their flexibility, mitigation in other states, differences in terrain, different wetland mitigation east or west of I-95, the Army Corps of Engineers permit process, and box culverts versus bridges.

Mr. Craig Bromby, Deputy General Counsel, DEQ, discussed third-party challenges of federal permits issued by DEQ.

The Commission discussed the Environmental Protection Agency's (U.S. EPA) position that North Carolina rules and statutes are not adequate to provide access to the courts. DEQ has responded in detail and is awaiting a response from the U.S. EPA.

There was Commission discussion on how North Carolina handles third-party challenges to federal permits and the Office of Administrative Hearings involvement and the Flint, Michigan water crisis. Mr. Reeder indicated that DEQ is aware of the Flint, Michigan crisis. Mr. Reeder noted that North Carolina's lead and copper requirements are more stringent than federal regulations.

Rep. McGrady and Sen. Bingham will cochair the flame retardant subcommittee.

## **April 13, 2016**

The fourth meeting of the Environmental Review Commission (ERC or Commission) was held on April 13, 2016 at 9:00 a.m. in Room 643 of the Legislative Office Building. Senator Trudy Wade presided. The Commission adopted this report.

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## WORKING GROUP PROCEEDINGS

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**The Solar Panel Disposal Working Group met three times:**

Wednesday, January 20, 2016 at 1:00 p.m. in Room 415 of the Legislative Office Building.

Meeting between Representative Dixon and the following stakeholders for a preliminary discussion of ideas for the disposal of solar panels:

- Solar Industry.
- Duke Energy.
- Local Governments (League of Municipalities and Association of County Commissioners).
- Agriculture Interests (Farm Bureau, NC Grange, Department of Agriculture and Consumer Services).
- Solid Waste Industry.

Tuesday, January 26, 2016 at 10:00 a.m. in the 5<sup>th</sup> Floor Research Division Conference Room of the Legislative Office Building.

Meeting between Representative Dixon and Department of Environmental Quality staff for a preliminary discussion of ideas for the disposal of solar panels

Wednesday, February 3, 2016 at 1:00 p.m. in Room 415 of the Legislative Office Building.

Meeting between Representative Dixon and stakeholders for further discussion of ideas for the disposal of solar panels.

**The Waste Work Group of the Environmental Review Commission met on February 10, 2016 on Wednesday at 1:30 p.m. in Room 423 of the Legislative Office Building in Raleigh, North Carolina.**

The meeting was called to order by Sen. Trudy Wade and Representative Jimmy Dixon.

There were presentations and discussion on the study directed pursuant to Sec. 14.21.(a) of S.L. 2015-241, and specifically (to initiate the working group) information relevant to whether solid waste management activities in the State are being conducted in a manner most beneficial to the citizens of the State, particularly in terms of efficiency and cost-effectiveness.

Ms. Ellen Lorscheider, Chief of the Solid Waste Section, Department of Environmental Quality (DEQ) gave an overview of issues related to waste disposal in the State.

Ms. Kara Millonzi, Associate Professor of Public Law and Government, School of Government, The University of North Carolina at Chapel Hill, gave an overview of local government authority to provide solid waste/recycling services and their authority to fund those services through taxes and fees.

Ms. Erin Wynia, Legislative Counsel, League of Municipalities; Mr. Ron Hargrove, Director Winston-Salem/Forsyth County Utilities (on behalf of the League of Municipalities); Mr. Dan LaMontagne, Assistant County Manager and Solid Waste Director Chatham County (on behalf of the Association of County Commissioners); and Mr. Allen Hardison, representing the North Carolina Chapter of the Solid Waste Association of North America (NC SWANA), and the Coastal Regional Solid Waste Management Authority, gave a presentation from the local government perspective.

Mr. Phil Carter, Governmental Affairs Manager, Waste Industries, gave a presentation from the industry perspective.

There were presentations and discussion on the study directed pursuant to Sec. 14.21.(b) of S.L. 2015-241, concerning the use of new technologies and strategies, including the use of integrated and mobile aerosolization systems, to dewater leachate and other forms of wastewater.

Ms. Ellen Lorscheider, Chief, Solid Waste Section, DEQ, gave an overview of currently approved technologies, and alternate technologies under review and associated issues.

Mr. Drew Isenhour, Area President, Mid Atlantic, Republic Services, gave an overview from the industry perspective.

**The Flame Retardants Working Group met on Thursday, March 31, 2016 at 9:30 a.m. in Room 415 of the Legislative Office Building.**

The Working Group discussed an overview of flame retardant legislation in the United States. According to Safer States, a network of environmental health coalitions and organizations in the states that promotes state and national policy to protect people and the environment from the impacts of the use of chemicals, 12 states have policies on the books addressing toxic flame retardants and presently 18 states have legislation pending. Most of these prohibitions on flame retardants have been in place for 10 years or more. Maryland, Minnesota, New York, and Vermont have enacted legislation specific to children's' exposure to certain toxic flame retardants.

The Working Group also discussed House Bill 648, Prohibit Toxic Flame Retardants in Bedding and legislative proposal, "DHHS/Develop State Chemical Action Plan."

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# LEGISLATIVE PROPOSALS

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GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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BILL DRAFT 2015-TSz-4 [v.21] (03/14)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)  
04/12/2016 10:23:41 AM

Short Title: Eliminate and Consolidate Reports to ERC.

(Public)

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Sponsors:

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Referred to:

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1 A BILL TO BE ENTITLED  
2 AN ACT TO ELIMINATE, CONSOLIDATE, AND MAKE OTHER CHANGES TO VARIOUS  
3 REPORTS TO THE ENVIRONMENTAL REVIEW COMMISSION, AS  
4 RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.  
5 The General Assembly of North Carolina enacts:  
6  
7 **PART I. ELIMINATE VARIOUS REPORTS TO THE ENVIRONMENTAL REVIEW**  
8 **COMMISSION**  
9  
10 **ELIMINATE ANNUAL REPORT ON MINING ACCOUNT PURSUANT TO THE**  
11 **MINING ACT OF 1971 BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY**  
12 **SECTION 1.** G.S. 74-54.1(c) is repealed.  
13  
14 **ELIMINATE ANNUAL REPORT ON THE IMPLEMENTATION OF THE**  
15 **SUSTAINABLE ENERGY EFFICIENT BUILDINGS PROGRAM BY THE**  
16 **DEPARTMENT OF ADMINISTRATION**  
17 **SECTION 2.(a)** G.S. 143-135.39(f) and (g) are repealed.  
18 **SECTION 2.(b)** G.S. 143-135.40(b) is repealed.  
19  
20 **ELIMINATE QUARTERLY REPORT ON SYSTEMWIDE MUNICIPAL AND**  
21 **DOMESTIC WASTEWATER COLLECTION SYSTEM PERMIT PROGRAM BY THE**  
22 **ENVIRONMENTAL MANAGEMENT COMMISSION**  
23 **SECTION 3.** G.S. 143-215.9B reads as rewritten:  
24 **"§ 143-215.9B. Systemwide municipal and domestic wastewater collection system permit**  
25 **program report.**  
26 The Environmental Management Commission shall develop and implement a permit  
27 program for municipal and domestic wastewater collection systems on a systemwide basis. The  
28 collection system permit program shall provide for performance standards, minimum design and

1 construction requirements, a capital improvement plan, operation and maintenance requirements,  
2 and minimum reporting requirements. In order to ensure an orderly and cost-effective phase-in of  
3 the collection system permit program, the Commission shall implement the permit program over  
4 a five-year period beginning 1 July 2000. The Commission shall issue permits for approximately  
5 twenty percent (20%) of municipal and domestic wastewater collection systems that are in  
6 operation on 1 July 2000 during each of the five calendar years beginning 1 July 2000 and shall  
7 give priority to those collection systems serving the largest populations, those under a moratorium  
8 imposed by the Commission under G.S. 143-215.67, and those for which the Department of  
9 Environmental Quality has issued a notice of violation for the discharge of untreated wastewater.  
10 ~~The Commission shall report on its progress in developing and implementing the collection~~  
11 ~~system permit program required by this section as a part of each quarterly report the~~  
12 ~~Environmental Management Commission makes to the Environmental Review Commission~~  
13 ~~pursuant to G.S. 143B-282(b)."~~  
14

15 **ELIMINATE ANNUAL REPORTS ON REDUCING VEHICLE EMISSIONS FROM**  
16 **STATE EMPLOYEE AND PRIVATE SECTOR VEHICLES BY THE DEPARTMENT OF**  
17 **TRANSPORTATION**

18 **SECTION 4.** G.S. 143-215.107C(d) and (e) are repealed.  
19

20 **ELIMINATE ANNUAL REPORT ON PURCHASE OF NEW MOTOR VEHICLES AND**  
21 **FUEL SAVINGS BY THE DEPARTMENT OF ADMINISTRATION**

22 **SECTION 5.** G.S. 143-341(8)(i).2b reads as rewritten:

23 "2b. As used in this sub-sub-subdivision, "fuel economy" and  
24 "class of comparable automobiles" have the same meaning  
25 as in Part 600 of Title 40 of the Code of Federal Regulations  
26 (July 1, 2008 Edition). As used in this sub-sub-subdivision,  
27 "passenger motor vehicle" has the same meaning as "private  
28 passenger vehicle" as defined in G.S. 20-4.01.  
29 Notwithstanding the requirements of sub-sub-subdivision 2a.  
30 of this sub-subdivision, every request for proposals for new  
31 passenger motor vehicles to be purchased by the Department  
32 shall state a preference for vehicles that have a fuel economy  
33 for the new vehicle's model year that is in the top fifteen  
34 percent (15%) of its class of comparable automobiles. The  
35 award for every new passenger motor vehicle that is  
36 purchased by the Department shall be based on the  
37 Department's evaluation of the best value for the State,  
38 taking into account fuel economy ratings and life cycle cost  
39 that reasonably consider both projected fuel costs and  
40 acquisition costs. This sub-sub-subdivision does not apply to  
41 vehicles used in law enforcement, emergency medical  
42 response, and firefighting. ~~The Department shall report the~~  
43 ~~number of new passenger motor vehicles that are purchased~~  
44 ~~as required by this sub-sub-subdivision, the savings or costs~~  
45 ~~for the purchase of vehicles to comply with this~~  
46 ~~sub-sub-subdivision, and the quantity and cost of fuel saved~~  
47 ~~for the previous fiscal year on or before October 1 of each~~  
48 ~~year to the Joint Legislative Commission on Governmental~~  
49 ~~Operations and the Environmental Review Commission."~~  
50

1 **ELIMINATE BIENNIAL STATE OF THE ENVIRONMENT REPORT BY THE**  
2 **DEPARTMENT OF ENVIRONMENTAL QUALITY**

3 **SECTION 6.** G.S. 143B-279.5 is repealed.  
4

5 **ELIMINATE ANNUAL REPORT ON FISH KILL ACTIVITY BY THE DEPARTMENT**  
6 **OF ENVIRONMENTAL QUALITY**

7 **SECTION 7.** G.S. 143B-279.7(c) is repealed.  
8

9 **ELIMINATE THE ENVIRONMENTAL MANAGEMENT COMMISSION QUARTERLY**  
10 **REPORT ON DEVELOPING ENGINEERING STANDARDS GOVERNING**  
11 **MUNICIPAL AND DOMESTIC SYSTEMS TO ALLOW REGIONAL**  
12 **INTERCONNECTION**

13 **SECTION 8.** Section 11.1 of S.L. 1999-329 reads as rewritten:

14 ~~"Section 11.1. The Environmental Management Commission shall develop engineering~~  
15 ~~standards governing municipal and domestic wastewater collection systems that will allow~~  
16 ~~interconnection of these systems on a regional basis. The Commission shall report on its progress~~  
17 ~~in developing the engineering standards required by this section as a part of each quarterly report~~  
18 ~~the Commission makes to the Environmental Review Commission pursuant to G.S. 143B-~~  
19 ~~282(b)."~~  
20

21 **ELIMINATE BIENNIAL REPORT ON IMPLEMENTATION OF THE NORTH**  
22 **CAROLINA BEACH AND INLET MANAGEMENT PLAN BY THE DEPARTMENT OF**  
23 **ENVIRONMENTAL QUALITY**

24 **SECTION 9.** Section 13.9(d) of S.L. 2000-67 reads as rewritten:

25 ~~"Section 13.9.(d) Each plan shall be as complete as resources and available~~  
26 ~~information allow. The Department of Environment and Natural Resources shall revise the plan~~  
27 ~~every two years and shall submit the revised plan to the General Assembly no later than March 1~~  
28 ~~of each odd numbered year. The Department may issue a supplement to the plan in even-~~  
29 ~~numbered years if significant new information becomes available."~~  
30

31 **ELIMINATE ANNUAL REPORT ON INFORMAL REVIEW PROCESS FOR AGENCY**  
32 **REVIEW OF ENGINEERING WORK**

33 **SECTION 10.** Sections 29(j) and 29(k) of S.L. 2014-120 are repealed.  
34

35 **PART II: CONSOLIDATE VARIOUS REPORTS TO THE ENVIRONMENTAL**  
36 **REVIEW COMMISSION**

37  
38 **CONSOLIDATE REPORTS ON THE COASTAL HABITAT PROTECTION PLAN**

39 **SECTION 11.(a)** G.S. 143B-279.8(e) reads as rewritten:

40 "(e) The Coastal Resources Commission, the Environmental Management Commission,  
41 and the Marine Fisheries Commission shall report to the Joint Legislative Commission on  
42 Governmental Operations and the Environmental Review Commission on progress in developing  
43 and implementing the Coastal Habitat Protection Plans, including the extent to which the actions  
44 of the three commissions are consistent with the Plans, on or before ~~1 September~~September 1 of  
45 each ~~year~~year in which any significant revisions to the Plans are made."  
46

47 **SECTION 11.(b)** G.S. 143B-279.8(f) is repealed.  
48

49 **CONSOLIDATE AND REDUCE FREQUENCY OF REPORTS ON COST AND**  
50 **IMPLEMENTATION OF ENVIRONMENTAL PERMITTING PROGRAMS**

**SECTION 12.(a)** G.S. 143-215.3A(c) reads as rewritten:



1       "(c) The Department shall report to the Environmental Review Commission and the  
2 Fiscal Research Division on the cost of the State's environmental permitting programs contained  
3 within the Department on or before January 1 ~~November~~ of each odd-numbered year. The report  
4 shall include, but is not limited to, fees set and established under this Article, fees collected under  
5 this Article, revenues received from other sources for environmental permitting and compliance  
6 programs, changes made in the fee schedule since the last report, anticipated revenues from all  
7 other sources, interest earned and any other information requested by the General Assembly. The  
8 Department shall submit this report with the report required by G.S. 143B-279.17 as a single  
9 report."

10       **SECTION 12.(b)** G.S. 143B-279.17 reads as rewritten:

11       "**§ 143B-279.17. Tracking and report on permit processing times.**

12       The Department of Environmental Quality shall track the time required to process all permit  
13 applications in the One-Stop for Certain Environmental Permits Programs established by  
14 G.S. 143B-279.12 and the Express Permit and Certification Reviews established by  
15 G.S. 143B-279.13 that are received by the Department. The processing time tracked shall include  
16 (i) the total processing time from when an initial permit application is received to issuance or  
17 denial of the permit and (ii) the processing time from when a complete permit application is  
18 received to issuance or denial of the permit. No later than ~~March~~ January 1 of each odd-numbered  
19 year, the Department shall report to the Fiscal Research Division of the General Assembly and  
20 the Environmental Review Commission on the permit processing times required to be tracked  
21 pursuant to this section. The Department shall submit this report with the report required by  
22 G.S. 143-215.3A(c) as a single report."

23       **SECTION 12.(c)** The first combined report required by subsections (a) and (b) of  
24 this section shall be submitted to the Environmental Review Commission and the Fiscal Research  
25 Division no later than January 1, 2017.

## 26 27 **CONSOLIDATE AND REDUCE FREQUENCY OF REPORTS BY THE** 28 **ENVIRONMENTAL MANAGEMENT COMMISSION**

29       **SECTION 13.(a)** G.S. 143B-282(b) reads as rewritten:

30       "(b) The Environmental Management Commission shall submit ~~quarterly~~-written reports  
31 as to its operation, activities, programs, and progress to the Environmental Review  
32 ~~Commission~~. Commission by January 1 of each year. The Environmental Management  
33 Commission shall supplement the written reports required by this subsection with additional  
34 written and oral reports as may be requested by the Environmental Review Commission. ~~The~~  
35 ~~Environmental Management Commission shall submit the written reports required by this~~  
36 ~~subsection whether or not the General Assembly is in session at the time the report is due."~~

37       **SECTION 13.(b)** G.S. 143-215.1(h) reads as rewritten:

38       "(h) Each applicant for a new permit or the modification of an existing permit issued  
39 under subsection (c) of this section shall include with the application: (i) the extent to which the  
40 new or modified facility is constructed in whole or in part with funds provided or administered by  
41 the State or a unit of local government, (ii) the impact of the facility on water quality, and (iii)  
42 whether there are cost-effective alternative technologies that will achieve greater protection of  
43 water quality. The Commission shall prepare ~~a quarterly~~ an annual summary and analysis of the  
44 information provided by applicants pursuant to this subsection. The Commission shall submit the  
45 summary and analysis required by this subsection to the Environmental Review Commission  
46 (ERC) as a part of each ~~quarterly~~ annual report that the Commission is required to make to the  
47 ERC under G.S. 143B-282(b)."

48       **SECTION 13.(c)** The first combined report required by subsections (a) and (b) of  
49 this section shall be submitted to the Environmental Review Commission no later than January 1,  
50 2017.

1 **CONSOLIDATE WASTE MANAGEMENT REPORTS BY THE DEPARTMENT OF**  
2 **ENVIRONMENTAL QUALITY**

3 **SECTION 14.(a)** G.S. 130A-309.06(c) reads as rewritten:

4 "(c) The Department shall report to the Environmental Review Commission and the  
5 Fiscal Research Division on or before ~~15 January~~ January 15 of each year on the status of solid  
6 waste management efforts in the State. The report shall include:

- 7 (1) A comprehensive analysis, to be updated in each report, of solid waste  
8 generation and disposal in the State projected for the 20-year period  
9 beginning on July 1, 1991.
- 10 (2) The total amounts of solid waste recycled and disposed of and the methods of  
11 solid waste recycling and disposal used during the calendar year prior to the  
12 year in which the report is published.
- 13 (3) An evaluation of the development and implementation of local solid waste  
14 management programs and county and municipal recycling programs.
- 15 (4) An evaluation of the success of each county or group of counties in meeting  
16 the municipal solid waste reduction goal established in G.S. 130A-309.04.
- 17 (5) Recommendations concerning existing and potential programs for solid  
18 waste reduction and recycling that would be appropriate for units of local  
19 government and State agencies to implement to meet the requirements of this  
20 Part.
- 21 (6) An evaluation of the recycling industry, the markets for recycled materials,  
22 the recycling of polystyrene, and the success of State, local, and private  
23 industry efforts to enhance the markets for these materials.
- 24 (7) Recommendations to the Governor and the Environmental Review  
25 Commission to improve the management and recycling of solid waste in the  
26 State, including any proposed legislation to implement the recommendations.
- 27 (8) A description of the condition of the Solid Waste Management Trust Fund  
28 and the use of all funds allocated from the Solid Waste Management Trust  
29 Fund, as required by G.S. 130A-309.12(c).
- 30 (9) A description of the review and revision of bid procedures and the purchase  
31 and use of reusable, refillable, repairable, more durable, and less toxic  
32 supplies and products by both the Department of Administration and the  
33 Department of Transportation, as required by G.S. 130A-309.14(a1)(3).
- 34 (10) A description of the implementation of the North Carolina Scrap Tire  
35 Disposal Act that includes the amount of revenue used for grants and to clean  
36 up nuisance tire collection under the provisions of G.S. 130A-309.64.
- 37 (11) A description of the management of white goods in the State, as required by  
38 G.S. 130A-309.85.
- 39 (12) A summary of the report by the Department of Transportation on the  
40 amounts and types of recycled materials that were specified or used in  
41 contracts that were entered into by the Department of Transportation during  
42 the previous fiscal year, as required by G.S. 136-28.8(g).
- 43 (13) Repealed by Session Laws 2010-142, s. 1, effective July 22, 2010.
- 44 (14) (Expiring October 1, 2023) A description of the activities related to the  
45 management of abandoned manufactured homes in the State in accordance  
46 with G.S. 130A-117, the beginning and ending balances in the Solid Waste  
47 Management Trust Fund for the reporting period and the amount of funds  
48 used, itemized by county, for grants made under Part 2F of Article 9 of  
49 Chapter 130A of the General Statutes.
- 50 (15) A report on the recycling of discarded computer equipment and televisions in  
51 the State pursuant to 130A-309-140(a).

- 1 (16) An evaluation of the Brownfields Property Reuse Act pursuant to  
2 G.S. 130A-310.40.  
3 (17) A report on the Inactive Hazardous Waste Response Act of 1987 pursuant to  
4 G.S. 130A-310.10(a).  
5 (18) A report on the Dry-Cleaning Solvent Cleanup Act of 1997 pursuant to  
6 G.S. 143-215.104U(a) until such time as the Act expires pursuant to Part 6 of  
7 Article 21A of Chapter 143 of the General Statutes.  
8 (19) A report on the implementation and cost of the hazardous waste management  
9 program pursuant to G.S. 130A-294(i)."

10 **SECTION 14.(b)** G.S. 130A-309.140(a) reads as rewritten:

11 "(a) No later than January 15 of each year, the Department shall submit a report on. The  
12 Department shall include in the status of solid waste management report required to be submitted  
13 on or before January 15 of each year pursuant to G.S. 130A-309.06(c), a report on the recycling  
14 of discarded computer equipment and televisions in the State under this Part to the Environmental  
15 Review Commission. Part. The report must include an evaluation of the recycling rates in the  
16 State for discarded computer equipment and televisions, a discussion of compliance and  
17 enforcement related to the requirements of this Part, and any recommendations for any changes to  
18 the system of collection and recycling of discarded computer equipment, televisions, or other  
19 electronic devices."

20 **SECTION 14.(c)** G.S. 130A-310.40 reads as rewritten:

21 **"§ 130A-310.40. Legislative reports.**

22 The Department shall include in the status of solid waste management report required to be  
23 submitted on or before January 15 of each year pursuant to G.S. 130A-309.06(c), prepare and  
24 submit to the Environmental Review Commission, concurrently with the report on the Inactive  
25 Hazardous Sites Response Act of 1987 required under G.S. 130A-310.10, an evaluation of the  
26 effectiveness of this Part in facilitating the remediation and reuse of existing industrial and  
27 commercial properties. This evaluation shall include any recommendations for additional  
28 incentives or changes, if needed, to improve the effectiveness of this Part in addressing such  
29 properties. This evaluation shall also include a report on receipts by and expenditures from the  
30 Brownfields Property Reuse Act Implementation Account."

31 **SECTION 14.(d)** G.S. 130A-310.10(a) reads as rewritten:

32 "(a) The Secretary shall include in the status of solid waste management report required to  
33 be submitted on or before January 15 of each year pursuant to G.S. 130A-309.06(c), a report on  
34 inactive hazardous sites to the Joint Legislative Commission on Governmental Operations, the  
35 Environmental Review Commission, and the Fiscal Research Division on or before October 1 of  
36 each year. The report shall include that includes at least the following:

- 37 (1) The Inactive Hazardous Waste Sites Priority List.  
38 (2) A list of remedial action plans requiring State funding through the Inactive  
39 Hazardous Sites Cleanup Fund.  
40 (3) A comprehensive budget to implement these remedial action plans and the  
41 adequacy of the Inactive Hazardous Sites Cleanup Fund to fund the cost of  
42 said plans.  
43 (4) A prioritized list of sites that are eligible for remedial action under  
44 CERCLA/SARA together with recommended remedial action plans and a  
45 comprehensive budget to implement such plans. The budget for  
46 implementing a remedial action plan under CERCLA/SARA shall include a  
47 statement as to any appropriation that may be necessary to pay the State's  
48 share of such plan.  
49 (5) A list of sites and remedial action plans undergoing voluntary cleanup with  
50 Departmental approval.



- 1 (6) A list of sites and remedial action plans that may require State funding, a  
2 comprehensive budget if implementation of these possible remedial action  
3 plans is required, and the adequacy of the Inactive Hazardous Sites Cleanup  
4 Fund to fund the possible costs of said plans.  
5 (7) A list of sites that pose an imminent hazard.  
6 (8) A comprehensive budget to develop and implement remedial action plans for  
7 sites that pose imminent hazards and that may require State funding, and the  
8 adequacy of the Inactive Hazardous Sites Cleanup Fund.  
9 (8a) Repealed by Session Laws 2015-286, s. 4.7(f), effective October 22, 2015.  
10 (9) Any other information requested by the General Assembly or the  
11 Environmental Review Commission."

12 **SECTION 14.(e)** G.S. 143-215.104U reads as rewritten:

13 **"§ 143-215.104U. Reporting requirements.**

14 (a) The Secretary shall include in the status of solid waste management report required to  
15 be submitted on or before January 15 of each year pursuant to G.S. 130A-309.06(c), a report on  
16 present an annual report to the Environmental Review Commission that shall include at least the  
17 following:

- 18 (1) A list of all dry-cleaning solvent contamination reported to the Department.  
19 (2) A list of all facilities and abandoned sites certified by the Commission and  
20 the status of contamination associated with each facility or abandoned site.  
21 (3) An estimate of the cost of assessment and remediation required in connection  
22 with facilities or abandoned sites certified by the Commission and an  
23 estimate of assessment and remediation costs expected to be paid from the  
24 Fund.  
25 (4) A statement of receipts and disbursements for the Fund.  
26 (5) A statement of all claims against the Fund, including claims paid, claims  
27 denied, pending claims, anticipated claims, and any other obligations.  
28 (6) The adequacy of the Fund to carry out the purposes of this Part together with  
29 any recommendations as to measures that may be necessary to assure the  
30 continued solvency of the Fund.

31 (b) ~~The Secretary shall make the annual report required by this section on or before 1~~  
32 ~~October of each year."~~

33 **SECTION 14(f).** G.S. 130A-294(i) reads as rewritten:

34 ~~"The Department shall include in the status of solid waste management report required to be~~  
35 ~~submitted on or before January 15 of each year pursuant to G.S. 130A-309.06(c), a report to the~~  
36 ~~Fiscal Research Division of the General Assembly, the Senate Appropriations Subcommittee on~~  
37 ~~Natural and Economic Resources, the House Appropriations Subcommittee on Natural and~~  
38 ~~Economic Resources, and the Environmental Review Commission on or before January 1 of each~~  
39 ~~year on the implementation and cost of the hazardous waste management program. The report~~  
40 ~~shall include an evaluation of how well the State and private parties are managing and cleaning~~  
41 ~~up hazardous waste. The report shall also include recommendations to the Governor, State~~  
42 ~~agencies, and the General Assembly on ways to: improve waste management; reduce the amount~~  
43 ~~of waste generated; maximize resource recovery, reuse, and conservation; and minimize the~~  
44 ~~amount of hazardous waste which must be disposed of. The report shall include beginning and~~  
45 ~~ending balances in the Hazardous Waste Management Account for the reporting period, total fees~~  
46 ~~collected pursuant to G.S. 130A-294.1, anticipated revenue from all sources, total expenditures~~  
47 ~~by activities and categories for the hazardous waste management program, any recommended~~  
48 ~~adjustments in annual and tonnage fees which may be necessary to assure the continued~~  
49 ~~availability of funds sufficient to pay the State's share of the cost of the hazardous waste~~  
50 ~~management program, and any other information requested by the General Assembly. In~~  
51 ~~recommending adjustments in annual and tonnage fees, the Department may propose fees for~~

1 hazardous waste generators, and for hazardous waste treatment facilities that treat waste  
2 generated on site, which are designed to encourage reductions in the volume or quantity and  
3 toxicity of hazardous waste. The report shall also include a description of activities undertaken to  
4 implement the resident inspectors program established under G.S. 130A-295.02. In addition, the  
5 report shall include an annual update on the mercury switch removal program that shall include,  
6 at a minimum, all of the following:

- 7 (1) A detailed description of the mercury recovery performance ratio achieved  
8 by the mercury switch removal program.
- 9 (2) A detailed description of the mercury switch collection system developed  
10 and implemented by vehicle manufacturers in accordance with the  
11 NVMSRP.
- 12 (3) In the event that a mercury recovery performance ratio of at least 0.90 of the  
13 national mercury recovery performance ratio as reported by the NVMSRP is  
14 not achieved, a description of additional or alternative actions that may be  
15 implemented to improve the mercury switch removal program.
- 16 (4) The number of mercury switches collected and a description of how the  
17 mercury switches were managed.
- 18 (5) A statement that details the costs required to implement the mercury switch  
19 removal program, including a summary of receipts and disbursements from  
20 the Mercury Switch Removal Account."

21 **SECTION 14.(g)** The first combined report required by subsections (a) through (f)  
22 of this section shall be submitted to the Environmental Review Commission and the Fiscal  
23 Research Division no later than January 15, 2017.

## 24 25 **CONSOLIDATE SEDIMENTATION POLLUTION CONTROL ACT AND** 26 **STORMWATER REPORTS**

27 **SECTION 15.(a)** G.S.113A-67 reads as rewritten:

### 28 **"§ 113A-67. Annual Report.**

29 The Department shall report to the Environmental Review Commission on the  
30 implementation of this Article on or before ~~October~~October 1 of each year. The Department  
31 shall include in the report an analysis of how the implementation of the Sedimentation Pollution  
32 Control Act of 1973 is affecting activities that contribute to the sedimentation of streams, rivers,  
33 lakes, and other waters of the State. The report shall also include a review of the effectiveness of  
34 local erosion and sedimentation control programs. The report shall be submitted to the  
35 Environmental Review Commission with the report required by G.S. 143-214.7(e) as a single  
36 report."

37 **SECTION 15.(b)** G.S. 143-214.7(e) reads as rewritten:

38 "(e) On or before October 1 of each year, the Commission shall report to the  
39 Environmental Review Commission on the implementation of this section, including the status of  
40 any stormwater control programs administered by State agencies and units of local government.  
41 The status report shall include information on any integration of stormwater capture and reuse  
42 into stormwater control programs administered by State agencies and units of local government.  
43 The report shall be submitted to the Environmental Review Commission with the report required  
44 by G.S. 113A-67 as a single report."

45 **SECTION 15.(c)** The first combined report required by subsections (a) and (b) of  
46 this section shall be submitted to the Environmental Review Commission no later than October 1,  
47 2016.

## 48 49 **CONSOLIDATE VARIOUS WATER RESOURCES AND WATER QUALITY REPORTS** 50 **BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY**

51 **SECTION 16.(a)** G.S. 143-355(n) is repealed.

1           **SECTION 16.(b)** G.S. 143-355(o)(9) is repealed.

2           **SECTION 16.(c)** G.S. 143-355 is amended by adding a new subsection to read:

3           "(p) Report. – The Department of Environmental Quality shall report to the  
4 Environmental Review Commission on the implementation of this section, including the  
5 development of the State water supply plan and the development of basinwide hydrologic models,  
6 no later than November 1 of each year. The Department shall submit the report required by this  
7 subsection with the report on basinwide water quality management plans required by  
8 G.S. 143-215.8B(d) as a single report."

9           **SECTION 16.(d)** G.S. 143-215.8B(d) reads as rewritten:

10          "(d) As a part of the report required pursuant to G.S. 143-355(p), ~~The~~ the Commission  
11 and the Department shall each report on or before ~~November 1~~ ~~October~~ of each year on an annual  
12 basis to the Environmental Review Commission on the progress in developing and implementing  
13 basinwide water quality management plans and on increasing public involvement and public  
14 education in connection with basinwide water quality management planning. The report to the  
15 Environmental Review Commission by the Department shall include a written statement as to all  
16 concentrations of heavy metals and other pollutants in the surface waters of the State that are  
17 identified in the course of preparing or revising the basinwide water quality management plans."

18          **SECTION 16.(e)** The first combined report required by subsections (c) and (d) of  
19 this section shall be submitted to the Environmental Review Commission no later than November  
20 1, 2016.

21

22           **CONSOLIDATE REPORTS BY THE DIVISION OF WATER INFRASTRUCTURE OF**  
23 **THE DEPARTMENT OF ENVIRONMENTAL QUALITY AND THE STATE WATER**  
24 **INFRASTRUCTURE AUTHORITY**

25           **SECTION 17.(a)** 159G-26(a) reads as rewritten:

26          "(a) Requirement. – The Department ~~must~~ shall publish a report each year on the accounts  
27 in the Water Infrastructure Fund that are administered by the Division of Water Infrastructure.  
28 The report ~~must~~ shall be published by ~~+~~ November 1 of each year and cover the preceding fiscal  
29 year. The Department ~~must~~ shall make the report available to the public and ~~must~~ shall give a  
30 copy of the report to the Environmental Review ~~Commission and the~~ Commission, the Joint  
31 Legislative Oversight Committee on Agriculture and Natural and Economic Resources, and the  
32 Fiscal Research Division of the Legislative Services Commission. ~~Division~~ with the report  
33 required by G.S. 159G-72 as a single report."

34           **SECTION 17.(b)** G.S. 159G-72 reads as rewritten:

35           **"§ 159G-72. State Water Infrastructure Authority; reports.**

36           ~~No later than November 1 of each year, the Authority shall submit a report of its activity and~~  
37 ~~findings, including any recommendations or legislative proposals, to the Senate Appropriations~~  
38 ~~Committee on Natural and Economic Resources, the House of Representatives Appropriations~~  
39 ~~Subcommittee on Natural and Economic Resources, and the Fiscal Research Division of the~~  
40 ~~Legislative Services Commission.~~ Environmental Review Commission, the Joint Legislative  
41 Oversight Committee on Agriculture and Natural and Economic Resources, and the Fiscal  
42 Research Division with the report required by G.S. 159G-26(a) as a single report."

43           **SECTION 17.(c)** The first combined report required by subsections (a) and (b) of  
44 this section shall be submitted to the Environmental Review Commission, the Joint Legislative  
45 Oversight Committee on Agriculture and Natural and Economic Resources, and the Fiscal  
46 Research Division no later than October 1, 2016.

47

48           **CONSOLIDATE REPORTS BY SOIL AND WATER CONSERVATION COMMISSION**  
49 **AND THE DIVISION OF SOIL AND WATER CONSERVATION OF THE**  
50 **DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

51           **SECTION 18.(a)** G.S. 106-850(e) reads as rewritten:

1       "(e) The Soil and Water Conservation Commission shall report on or before ~~31~~ January  
2 31 of each year to the Environmental Review Commission, the Department of Agriculture and  
3 Consumer Services, and the Fiscal Research Division. This report shall include a list of projects  
4 that received State funding pursuant to the program, the results of the evaluations conducted  
5 pursuant to subdivision (7) of subsection (b) of this section, findings regarding the effectiveness  
6 of each of these projects to accomplish its primary purpose, and any recommendations to assure  
7 that State funding is used in the most cost-effective manner and accomplishes the greatest  
8 improvement in water quality. This report shall be submitted to the Environmental Review  
9 Commission and the Fiscal Research Division with the reports required by G.S. 106-860(e) and  
10 G.S. 139-60(d) as a single report."

11       **SECTION 18.(b)** G.S. 106-860(e) reads as rewritten:

12       "(e) Report. – The Soil and Water Conservation Commission shall report no later than ~~31~~  
13 January 31 of each year to the Environmental Review Commission, the Department of  
14 Agriculture and Consumer Services, and the Fiscal Research Division. The report shall include a  
15 summary of projects that received State funding pursuant to the Program, the results of the  
16 evaluation conducted pursuant to subdivision (5) of subsection (b) of this section, findings  
17 regarding the effectiveness of each project to accomplish its primary purpose, and any  
18 recommendations to assure that State funding is used in the most cost-effective manner and  
19 accomplishes the greatest improvement in water quality. This report shall be submitted to the  
20 Environmental Review Commission and the Fiscal Research Division as a part of the report  
21 required by G.S. 106-850(e)."

22       **SECTION 18.(c)** G.S. 139-60(d) reads as rewritten:

23       "(d) Report. – No later than January 31 of each year, the Division of Soil and Water  
24 Conservation of the Department of Agriculture and Consumer Services shall prepare a  
25 comprehensive report on the implementation of subsections (a) through (c) of this section. The  
26 report shall be submitted to the Environmental Review Commission and the Fiscal Research  
27 Division as a part of the report required by G.S. 106-850(e)."

28       **SECTION 18.(d)** The first combined report required by subsections (a) through (c)  
29 of this section shall be submitted to the Environmental Review Commission and the Fiscal  
30 Research Division no later than January 31, 2017.

### 31 32 **PART III: MAKE OTHER CHANGES TO VARIOUS REPORTS TO THE** 33 **ENVIRONMENTAL REVIEW COMMISSION**

#### 34 35 **INCREASE FREQUENCY OF REPORTING BY THE ENERGY POLICY COUNCIL OF** 36 **THE DEPARTMENT OF ENVIRONMENTAL QUALITY**

37       **SECTION 19.** G.S. 113B-12(a) reads as rewritten:

38       "~~Every two years the~~ On or before January 1 of each year, the Energy Policy Council  
39 shall transmit to the Governor, the Speaker of the House of Representatives, the President Pro  
40 Tempore of the Senate, the Environmental Review Commission, the Joint Legislative  
41 Commission on Energy Policy, and the chairman of the Utilities Commission a comprehensive  
42 report providing a general overview of energy conditions in the State."  
43

#### 44 **DECREASE REPORTING FREQUENCY ON TERMINAL GROINS PILOT PROJECT** 45 **BY THE COASTAL RESOURCES COMMISSION**

46       **SECTION 20.** G.S. 113A-115.1(i) reads as rewritten:

47       "~~No later than September 1 of each year~~ January 1, 2017 and every five years  
48 thereafter, the Coastal Resources Commission shall report to the Environmental Review  
49 Commission on the implementation of this section. The report shall provide a detailed description  
50 of each proposed and permitted terminal groin and its accompanying beach fill project, including  
51 the information required to be submitted pursuant to subsection (e) of this section. For each



1 permitted terminal groin and its accompanying beach fill project, the report shall also provide all  
2 of the following:

- 3 (1) The findings of the Commission required pursuant to subsection (f) of this  
4 section.
- 5 (2) The status of construction and maintenance of the terminal groin and its  
6 accompanying beach fill project, including the status of the implementation  
7 of the plan for construction and maintenance and the inlet management plan.
- 8 (3) A description and assessment of the benefits of the terminal groin and its  
9 accompanying beach fill project, if any.
- 10 (4) A description and assessment of the adverse impacts of the terminal groin  
11 and its accompanying beach fill project, if any, including a description and  
12 assessment of any mitigation measures implemented to address adverse  
13 impacts."  
14

15 **DECREASE REPORTING FREQUENCY ON PARKS SYSTEM PLAN BY THE**  
16 **DEPARTMENT OF NATURAL AND CULTURAL RESOURCES**

17 **SECTION 21.** G.S. 143B-135.48(d) reads as rewritten:

18 "(d) No later than October 1 of each year, 2016 and every five years thereafter, the  
19 Department shall submit electronically the State Parks System Plan to the Environmental Review  
20 Commission, ~~the Senate and the House of Representatives appropriations committees with~~  
21 ~~jurisdiction over natural and cultural resources,~~ the Joint Legislative Oversight Committee on  
22 Agriculture and Natural and Economic Resources, and the Fiscal Research Division.  
23 Concurrently, the Department shall submit a summary of each change to the Plan that was made  
24 during the previous ~~fiscal year~~ five fiscal years."  
25

26 **REDIRECT INTERAGENCY REPORT ON SUPERFUND COST SHARE TO THE**  
27 **ANER OVERSIGHT COMMITTEE**

28 **SECTION 22.** Section 15.6 of S.L. 1999-237 reads as rewritten:

29 "Section 15.6(a) The Department of ~~Environment and Natural Resources~~ Environmental  
30 Quality may use available funds, with the approval of the Office of State Budget and  
31 Management, to provide the ten percent (10%) cost share required for Superfund cleanups on the  
32 National Priority List sites, to pay the operating and maintenance costs associated with these  
33 Superfund cleanups, and for the cleanup of priority inactive hazardous substance or waste  
34 disposal sites under Part 3 of Article 9 of Chapter 130A of the General Statutes. These funds may  
35 be in addition to those appropriated for this purpose.

36 Section 15.6(b) The Department of ~~Environment and Natural Resources~~ Environmental  
37 Quality and the Office of State Budget and Management shall report to the ~~Environmental~~  
38 ~~Review Commission and the Joint Legislative Commission on Governmental Operations~~ Joint  
39 Legislative Oversight Committee on Agriculture and Natural and Economic Resources the  
40 amount and the source of the funds used pursuant to subsection (a) of this section within 30 days  
41 of the expenditure of these funds."  
42

43 **REDIRECT REPORT ON EXPENDITURES FROM BERNARD ALLEN EMERGENCY**  
44 **DRINKING WATER FUND TO ANER OVERSIGHT COMMITTEE**

45 **SECTION 23.** G.S. 87-98(e) reads as rewritten:

46 "(e) The Department, in consultation with the Commission for Public Health and local  
47 health departments, shall report no later than October 1 of each year to the Joint Legislative  
48 Oversight Committee on Agriculture and Natural and Economic Resources ~~Environmental~~  
49 ~~Review Commission, the House of Representatives and Senate Appropriations Subcommittees on~~  
50 ~~Natural and Economic Resources,~~ and the Fiscal Research Division of the General Assembly on  
51 the implementation of this section. The report shall include the purpose and amount of all

1 expenditures from the Fund during the prior fiscal year, a discussion of the benefits and  
2 deficiencies realized as a result of the section, and may also include recommendations for any  
3 legislative action."  
4

5 **REDIRECT REPORT ON PARKS AND RECREATION TRUST FUND TO THE ANER**  
6 **OVERSIGHT COMMITTEE**

7 **SECTION 24.** G.S. 143B-135.56(f) reads as rewritten:

8 "(f) Reports. – The North Carolina Parks and Recreation Authority shall report no later  
9 than October 1 of each year to the Joint Legislative ~~Commission on Governmental Operations,~~  
10 ~~the House and Senate Appropriations Subcommittees on Natural and Economic Resources,~~  
11 Oversight Committee on Agriculture and Natural and Economic Resources, the Fiscal Research  
12 Division, and the Environmental Review Commission on allocations from the Trust Fund from  
13 the prior fiscal year. For funds allocated from the Trust Fund under subsection (c) of this section,  
14 this report shall include the operating expenses determined under subdivisions (1) and (2) of  
15 subsection (e) of this section."  
16

17 **PART IV: EFFECTIVE DATE**

18 **SECTION 25.** This act is effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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D

BILL DRAFT 2015-SBz-26A [v.1] (03/29)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)  
04/11/2016 04:02:44 PM

Short Title: Prohibit Certain Stormwater Control Measures. (Public)

Sponsors:

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROHIBIT THE DIRECTOR OF THE DIVISION OF WATER RESOURCES  
3 FROM REQUIRING ON-SITE STORMWATER CONTROL MEASURES UNDER  
4 CERTAIN CIRCUMSTANCES, AS RECOMMENDED BY THE ENVIRONMENTAL  
5 REVIEW COMMISSION.  
6 The General Assembly of North Carolina enacts:  
7 **SECTION 1.** Until the effective date of the revised permanent rule that the  
8 Environmental Management Commission is required to adopt pursuant to Section 3 of this act,  
9 the Commission and the Department of Environmental Quality shall implement 15A NCAC 02H  
10 .0506 (Review of Applications) as provided in Section 2 of this act.  
11 **SECTION 2.** Notwithstanding 15A NCAC 02H .0506(b)(5) and 15A NCAC 02H  
12 .0506 (c)(5), the Director of the Division of Water Resources shall not require the use of on-site  
13 stormwater control measures to protect downstream water quality standards, except as required  
14 by State or federal law.  
15 **SECTION 3.** The Environmental Management Commission shall adopt rules to  
16 amend 15A NCAC 02H .0506 (Review of Applications) consistent with Section 2 of this act.  
17 Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section  
18 shall be substantively identical to the provisions of Section 2 of this act. Rules adopted pursuant  
19 to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes.  
20 Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1)  
21 as though 10 or more written objections had been received as provided by G.S. 150B-21.3(b2).  
22 **SECTION 4.** This act is effective when it becomes law. Section 2 of this act expires  
23 on the date that rules adopted pursuant to Section 3 of this act become effective.

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GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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D

BILL DRAFT 2015-RIz-33 [v.4] (04/11)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)  
04/12/2016 03:52:18 PM

Short Title: Issuance of Advisories/Drinking Water Stds.

(Public)

Sponsors:

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO LIMIT ISSUANCE OF HEALTH ADVISORIES FOR DRINKING WATER TO  
3 PARAMETERS FOR WHICH MAXIMUM CONTAMINANT LEVELS (MCLS) OR  
4 TREATMENT TECHNIQUES (TTS) HAVE BEEN ESTABLISHED BY STATE OR  
5 FEDERAL LAW, OR FOR WHICH INTERIM MAXIMUM ALLOWABLE  
6 CONCENTRATIONS (IMACS) HAVE BEEN ESTABLISHED FOR A PARAMETER IN  
7 THE CONTEXT OF A STATE-LED INVESTIGATION OF CONTAMINATION THAT  
8 PRESENTS AN IMMINENT THREAT TO PUBLIC HEALTH, SAFETY OR WELFARE,  
9 OR THE ENVIRONMENT, AS RECOMMENDED BY THE ENVIRONMENTAL  
10 REVIEW COMMISSION.

11 The General Assembly of North Carolina enacts:

12

13 SECTION 1.(a) G.S. 87-97 reads as rewritten:

14 "§ 87-97. Permitting, inspection, and testing of private drinking water wells.

15 ...

16 (h) Drinking Water Testing. – Within 30 days after it issues a certificate of completion  
17 for a newly constructed private drinking water well, the local health department shall test the  
18 water obtained from the well or ensure that the water obtained from the well has been sampled  
19 and tested by a certified laboratory in accordance with rules adopted by the Commission for  
20 Public Health. The water shall be tested for the following parameters: arsenic, barium, cadmium,  
21 chromium, copper, fluoride, lead, iron, magnesium, manganese, mercury, nitrates, nitrites,  
22 selenium, silver, sodium, zinc, pH, and bacterial indicators.

23 (i) Commission for Public Health to Adopt Drinking Water Testing Rules. – The  
24 Commission for Public Health shall adopt rules governing the sampling and testing of well water  
25 and the reporting of test results. The rules shall allow local health departments to designate third  
26 parties to collect and test samples and report test results. The rules shall also provide for  
27 corrective action and retesting where appropriate. The Commission for Public Health may by rule  
28 require testing for additional parameters, including volatile organic compounds, if the  
29 Commission makes a specific finding that testing for the additional parameters is necessary to  
30 protect public health. If the Commission finds that testing for certain volatile organic compounds  
31 is necessary to protect public health and initiates rule making to require testing for certain volatile  
32 organic compounds, the Commission shall consider all of the following factors in the  
33 development of the rule: (i) known current and historic land uses around well sites and associated

1 contaminants; (ii) known contaminated sites within a given radius of a well and any known data  
2 regarding dates of contamination, geology, and other relevant factors; (iii) any GIS-based  
3 information on known contamination sources from databases available to the Department of  
4 Environment and Natural Resources; and (iv) visual on-site inspections of well sites. In addition,  
5 the rules shall require local health departments to educate citizens for whom new private drinking  
6 water wells are constructed and for citizens who contact local health departments regarding  
7 testing an existing well on all of the following:

- 8 (1) The scope of the testing required pursuant to this Article.
- 9 (2) Optional testing available pursuant to this Article.
- 10 (3) The limitations of both the required and optional testing.
- 11 (4) Minimum drinking water standards.

12 (j) Test Results. – The local health department shall provide test results to the owner of  
13 the newly constructed private drinking water well and, to the extent practicable, to any  
14 leaseholder of a dwelling unit or other facility served by the well at the time the water is sampled.  
15 The local health department shall include with any test results provided to an owner of a private  
16 drinking water well, information regarding the scope of the required and optional testing as  
17 established by rules adopted pursuant to subsection (i) of this section.

18 (j1) Issuance of health advisories. – No State agency, local board of health, or local health  
19 department shall issue a health advisory for the presence of a contaminant in a newly constructed  
20 or other well, other than one for which a: (i) maximum contaminant level (MCL) or a treatment  
21 technique (TT) has been adopted under the National Primary Drinking Water Regulations by the  
22 United State Environmental Protection Agency pursuant to the federal Safe Drinking Water Act  
23 of 1974, P.L. 93-523, as amended, and for which the MCL or TT has been exceeded for that  
24 contaminant; (ii) a MCL or TT has been enacted in the General Statutes or adopted under the  
25 North Carolina Administrative Code, and for which the MCL or TT has been exceeded for that  
26 contaminant; or (iii) an interim maximum allowable concentration has been established for a  
27 substance pursuant to 15 NCAC 02L. 0202 in the context of a State-led investigation of  
28 contamination that presents an imminent threat to public health, safety and welfare, or the  
29 environment. This subsection shall not be construed or implemented in conflict with  
30 requirements of federal law, nor shall it be construed or implemented to limit the authority of the  
31 Department to require investigation, initial response, or remediation of environmental  
32 contamination under any provision of State law necessary to address an imminent threat to public  
33 health, safety or welfare, or the environment.

34 (k) Registry of Permits and Test Results. – Each local health department shall maintain a  
35 registry of all private drinking water wells for which a construction permit or repair permit is  
36 issued that is searchable by address or addresses served by the well. The registry shall specify the  
37 physical location of each private drinking water well and shall include the results of all tests of  
38 water from each well. The local health department shall retain a record of the results of all tests of  
39 water from a private drinking water well until the well is properly closed in accordance with the  
40 requirements of this Article and rules adopted pursuant to this Article.

41 (l) Authority Not Limited. – This section shall not be construed to limit any authority of  
42 local boards of health, local health departments, the Department of Health and Human Services,  
43 or the Commission for Public Health to protect public ~~health~~.health, except as limited by  
44 subsection (j1) of this section."

45 **SECTION 1.(b)** G.S. 130A-315 reads as rewritten:

46 "**§ 130A-315. Drinking water rules; exceptions; limitation on implied warranties.**

47 (a) The Commission shall adopt and the Secretary shall enforce drinking water rules to  
48 regulate public water systems. The rules may distinguish between community water systems and  
49 noncommunity water systems.

50 (b) The rules shall:

- 51 (1) Specify contaminants which may have an adverse effect on the public health;

- 1 (2) Specify for each contaminant either:  
2 a. A maximum contaminant level which is acceptable in water for  
3 human consumption, if it is feasible to establish the level of the  
4 contaminant in water in public water systems; or  
5 b. One or more treatment techniques which lead to a reduction in the  
6 level of contaminants sufficient to protect the public health, if it is  
7 not feasible to establish the level of the contaminants in water in a  
8 public water system; and  
9 (3) Establish criteria and procedures to assure a supply of drinking water which  
10 dependably complies with maximum contaminant levels and treatment  
11 techniques as determined in paragraph (2) of this subsection. These rules  
12 may provide for:  
13 a. The minimum quality of raw water which may be taken into a public  
14 water system;  
15 b. A program of laboratory certification;  
16 c. Monitoring and analysis;  
17 d. Record-keeping and reporting;  
18 e. Notice of noncompliance, failure to perform monitoring, variances  
19 and exemptions;  
20 f. Inspection of public water systems; inspection of records required to  
21 be kept; and the taking of samples;  
22 g. Criteria for design and construction of new or modified public water  
23 systems;  
24 h. Review and approval of design and construction of new or modified  
25 public water systems;  
26 i. Siting of new public water system facilities;  
27 j. Variances and exemptions from the drinking water rules; and  
28 k. Additional criteria and procedures as may be required to carry out  
29 the purpose of this Article.

30 (b1) The rules may also establish criteria and procedures to insure an adequate supply of  
31 drinking water. The rules may:

- 32 (1) Provide for record keeping and reporting.  
33 (2) Provide for inspection of public water systems and required records.  
34 (3) Establish criteria for the design and construction of new public water systems  
35 and for the modification of existing public water systems.  
36 (4) Establish procedures for review and approval of the design and construction  
37 of new public water systems and for the modification of existing public water  
38 systems.  
39 (4a) Limit the number of service connections to a public water system based on  
40 the quantity of water available to the public water system, provided that the  
41 number of service connections shall not be limited for a public water system  
42 operating in accordance with a local water supply plan that meets the  
43 requirements of G.S. 143-355(l).  
44 (5) Establish criteria and procedures for siting new public water systems.  
45 (6) Provide for variances and exemptions from the rules.  
46 (7) Provide for notice of noncompliance in accordance with G.S. 130A-324.

47 (b2) Two or more water systems that are adjacent, that are owned or operated by the same  
48 supplier of water, that individually serve less than 15 service connections or less than 25 persons  
49 but that in combination serve 15 or more service connections or 25 or more persons, and that  
50 individually are not public water systems shall meet the standards applicable to public water  
51 systems for the following contaminants: coliform bacteria, nitrates, nitrites, lead, copper, and

1 other inorganic chemicals for which testing and monitoring is required for public water systems  
2 on 1 July 1994. The standards applicable to these contaminants shall be enforced by the  
3 Commission as though the water systems to which this subsection applies were public water  
4 systems.

5 (b3) The Department shall not certify or renew a certification of a laboratory under rules  
6 adopted pursuant to subdivision (3)b. of subsection (b) of this section unless the laboratory offers  
7 to perform composite testing of samples taken from a single public water supply system for those  
8 contaminants that the laboratory is seeking certification or renewal of certification to the extent  
9 allowed by regulations adopted by the United States Environmental Protection Agency.

10 (c) The drinking water rules may be amended as necessary in accordance with required  
11 federal regulations.

12 (d) When a person that receives water from a public water system is authorized by the  
13 Utilities Commission, pursuant to G.S. 62-110(g), to charge for the costs of providing water or  
14 sewer service, that person shall not be subject to regulation under this Article solely as a result of  
15 submetering and billing for water service. The supplying water system shall perform the same  
16 level of monitoring, analysis, and record keeping that the supplying system would perform if the  
17 providing water system had not been authorized to charge for the costs of providing water or  
18 sewer service pursuant to G.S. 62-110(g).

19 (e) When a public water system supplies water through a master meter to a water system  
20 not regulated by this Article, the supplying water system is not responsible for operation,  
21 maintenance, or repair of the providing water system. The supplying water system shall not be  
22 responsible for contamination that is confined to the providing water system if the supplying  
23 water system meets applicable requirements for water quality, treatment, and system operation for  
24 that contaminant. The supplying water system may monitor the water within the providing water  
25 system for contamination pursuant to rules adopted under this Article. The supplying water  
26 system and the Department shall have access to the providing water system to investigate water  
27 quality problems and to determine whether any contamination is confined to the providing water  
28 system and whether the quality of the water supplied by the supplying water system is  
29 contributing contamination to the providing water system.

30 (f) If water in the providing water system exceeds the maximum contaminant levels  
31 established pursuant to this Article and the Department determines that the supplying water  
32 system is not responsible, the supplying water system must notify the providing water system  
33 owner in writing within one day of determining that the contamination is confined solely to the  
34 providing water system for bacteria, nitrate, and nitrite, and within 30 days for all other  
35 contaminants.

36 (g) A supplier of water regulated under this Article shall not be deemed to provide any  
37 warranty under Article 2 of Chapter 25 of the General Statutes, including an implied warranty of  
38 merchantability or an implied warranty of fitness for a particular purpose.

39 (h) The Department shall not issue, or direct any unit of local government to issue, a  
40 health advisory for the presence of a contaminant in a public water system other than one for  
41 which a: (i) maximum contaminant level (MCL) or a treatment technique (TT) has been adopted  
42 under the National Primary Drinking Water Regulations by the United State Environmental  
43 Protection Agency pursuant to the federal Safe Drinking Water Act of 1974, P.L. 93-523, as  
44 amended, and for which the MCL or TT has been exceeded for that contaminant; (ii) a MCL or  
45 TT has been enacted in the General Statutes or adopted under the North Carolina Administrative  
46 Code, and for which the MCL or TT has been exceeded for that contaminant; or (iii) an interim  
47 maximum allowable concentration has been established for a substance pursuant to 15 NCAC  
48 02L. 0202 in the context of a State-led investigation of contamination that presents an imminent  
49 threat to public health, safety or welfare, or the environment. This subsection shall not be  
50 construed or implemented in conflict with requirements of federal law, nor shall it be construed  
51 or implemented to limit the authority of the Department to require investigation, initial response,

1 or remediation of environmental contamination under any provision of State law necessary to  
2 address an imminent threat to public health, safety or welfare, or the environment."  
3 **SECTION 2.** This act is effective when it becomes law.

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GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

S

D

BILL DRAFT 2015-RIz-27 [v.7] (10/28)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

Short Title: Solid Waste Amendments.

(Public)

Sponsors:

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO: (1) MAKE TECHNICAL, CLARIFYING, AND CONFORMING CHANGES TO  
3 PROVISIONS ENACTED IN 2015 TO ESTABLISH LIFE-OF-SITE PERMITS FOR  
4 SANITARY LANDFILLS AND TRANSFER STATIONS, AND (2) PROVIDE THAT  
5 FRANCHISE AGREEMENTS PREVIOUSLY EXECUTED BY LOCAL GOVERNMENTS  
6 FOR SANITARY LANDFILLS MAY BE MODIFIED BY AGREEMENT OF ALL  
7 PARTIES TO LAST FOR A LANDFILL'S LIFE-OF-SITE, EXCEPT THAT NO  
8 FRANCHISE AGREEMENT, MODIFIED OR NEWLY EXECUTED, SHALL EXCEED A  
9 DURATION OF SIXTY YEARS, AS RECOMMENDED BY THE ENVIRONMENTAL  
10 REVIEW COMMISSION  
11 The General Assembly of North Carolina enacts:  
12 **SECTION 1.(a)** Section 4.9(a) of S.L. 2015-286 reads as rewritten:  
13 "**SECTION 4.9.(a)** Section 14.20(a) of S.L. 2015-241 ~~reads as rewritten:~~ is rewritten  
14 to read:  
15 ..."  
16 **SECTION 1.(b)** Section 4.9(b) of S.L. 2015-286 reads as rewritten:  
17 "**SECTION 4.9.(b)** Section ~~14.20(a)~~ 14.20(c) of S.L. 2015-241 ~~reads as rewritten:~~ is  
18 rewritten to read:  
19 ..."  
20 **SECTION 1.(c)** Section 4.9(c) of S.L. 2015-286 reads as rewritten:  
21 "**SECTION 4.9.(c)** Section 14.20(d) of S.L. 2015-241 ~~reads as rewritten:~~ is  
22 rewritten to read:  
23 ..."  
24 **SECTION 1.(d)** Section 4.9(d) of S.L. 2015-286 reads as rewritten:  
25 "**SECTION 4.9.(d)** Section 14.20(f) of S.L. 2015-241 ~~reads as rewritten:~~ is rewritten  
26 to read:  
27 ..."  
28 **SECTION 1.(f)** Section 14.20(e) of S.L. 2015-241 as amended by Section 4.9(d) of  
29 S.L. 2015-286, reads as rewritten:  
30 "**SECTION 14.20.(e)** After July 1, 2016, the annual fee due pursuant to  
31 ~~G.S. 130A-295.8A(d1); G.S. 130A-295.8(d1)~~, as enacted by Section 14.20(c) of this act, for  
32 existing sanitary landfills and transfer stations with a valid permit issued before the date this act  
33 becomes effective is equal to the applicable annual fee for the facility as set forth in  
34 G.S. 130A-295.8A(d1), as enacted by Section 14.20(c) of this act, less a permittee fee credit. A  
35 permittee fee credit exists when the life-of-site permit fee amount is greater than the time-limited

1 permit fee amount. The amount of the permittee fee credit shall be calculated by (i) subtracting  
2 the time-limited permit fee amount from the life-of-site permit fee amount due for the same  
3 period of time and (ii) multiplying the difference by a fraction, the numerator of which is the  
4 number of years remaining in the facility's time-limited permit and the denominator of which is  
5 the total number of years covered by the facility's time-limited permit. The amount of the  
6 permittee fee credit shall be allocated in equal annual installments over the number of years that  
7 constitute the facility's remaining life-of-site, as determined by the Department, unless the  
8 Department accelerates, in its sole discretion, the use of the credit over a shorter period of time.  
9 For purposes of this subsection, the following definitions apply:

- 10 (1) Life-of-site permit fee amount. – The amount equal to the sum of all annual  
11 fees that would be due under the fee structure set forth in  
12 G.S. 130A-295.8A(d1), as enacted by Section 14.20(c) of this act, during the  
13 cycle of the facility's permit in effect on July 1, 2016.  
14 (2) Time-limited permit fee amount. – The amount equal to the sum of the  
15 application fee or renewal fee, whichever is applicable, and all annual fees  
16 paid or to be paid pursuant to subsections (c) and (d) of G.S. 130A-295.8A,  
17 as repealed by Section 14.20(c) of this act, during the cycle of the facility's  
18 permit in effect on July 1, 2016.

19 The Department shall adopt rules to implement this subsection."

20 **SECTION 2.(a)** Section 14.20(f) of S.L. 2015-241, as amended by Section 4.9(d) of  
21 S.L. 2015-286, reads as rewritten:

22 **SECTION 14.20.(f)** This section becomes effective October 1, 2015.  
23 G.S. 130A-294(b1)(2), as amended by subsection (a) of this section, applies to franchise  
24 ~~agreements~~ agreements: (1) executed on or after October 1, 2015; October 1, 2015; and (2)  
25 executed on or before October 1, 2015. only if all parties to the agreement consent to modify the  
26 agreement for the purpose of extending the agreement's duration to the life-of-site of the landfill  
27 for which the agreement was executed. The remainder of G.S. 130A-294, as amended by  
28 subsection (a) of this section, and G.S. 130A-295.8, as amended by subsection (c) of this section,  
29 apply to (i) existing sanitary landfills and transfer stations, with a valid permit issued before the  
30 date this act becomes effective, on July 1, 2016, at which point a permittee may choose to apply  
31 for a life-of-site permit pursuant to G.S. 130A-294(a2), as amended by Section 14.20(b) of this  
32 act, or may choose to apply for a life-of-site permit for the facility when the facility's permit is  
33 next subject to renewal after July 1, 2016, (ii) new sanitary landfills and transfer stations, for  
34 applications submitted on or after July 1, 2016, and (iii) applications for sanitary landfills or  
35 transfer stations submitted before July 1, 2015, and pending on the date this act becomes law shall  
36 be evaluated by the Department based on the applicable laws that were in effect on July 1, 2015,  
37 and the Department shall not delay in processing such permit applications in consideration of  
38 changes made by this act, but such landfills and transfer stations shall be eligible for issuance of  
39 life-of-site permits pursuant to G.S. 130A-294(a2), as amended by Section 14.20(b) of this act, on  
40 July 1, 2016, at which point a permittee may choose to apply for a life-of-site permit pursuant to  
41 G.S. 130A-294(a2), as amended by Section 14.20(b) of this act, or may choose to apply for a  
42 life-of-site permit for the facility when the facility's permit is next subject to renewal after July 1,  
43 2016."

44 **SECTION 2.(b)** G.S. 130A-294(b1)(2) reads as rewritten:

- 45 "(b1) (2) A person who intends to apply for a new permit for a sanitary landfill shall  
46 obtain, prior to applying for a permit, a franchise for the operation of the  
47 sanitary landfill from each local government having jurisdiction over any  
48 part of the land on which the sanitary landfill and its appurtenances are  
49 located or to be located. A local government may adopt a franchise ordinance  
50 under G.S. 153A-136 or G.S. 160A-319. A franchise granted for a sanitary  
51 landfill ~~shall~~ shall: (1) be granted for the life-of-site of the landfill and shall



1 landfill, but for a period not to exceed sixty (60) years; and (2) include all of  
2 the following:

- 3 a. A statement of the population to be served, including a description of  
4 the geographic area.
- 5 b. A description of the volume and characteristics of the waste stream.
- 6 c. A projection of the useful life of the sanitary landfill.
- 7 d. Repealed by Session Laws 2013-409, s. 8, effective August 23, 2013.
- 8 e. The procedures to be followed for governmental oversight and  
9 regulation of the fees and rates to be charged by facilities subject to  
10 the franchise for waste generated in the jurisdiction of the  
11 franchising entity.
- 12 f. A facility plan for the sanitary landfill that shall include the  
13 boundaries of the proposed facility, proposed development of the  
14 facility site, the boundaries of all waste disposal units, final  
15 elevations and capacity of all waste disposal units, the amount of  
16 waste to be received per day in tons, the total waste disposal capacity  
17 of the sanitary landfill in tons, a description of environmental  
18 controls, and a description of any other waste management activities  
19 to be conducted at the facility. In addition, the facility plan shall  
20 show the proposed location of soil borrow areas, leachate facilities,  
21 and all other facilities and infrastructure, including ingress and  
22 egress to the facility."  
23

24 **SECTION 2.(c)** G.S. 160A-319(a) reads as rewritten:

25 **"§ 160A-319. Utility franchises.**

26 (a) A city shall have authority to grant upon reasonable terms franchises for a telephone  
27 system and any of the enterprises listed in G.S. 160A-311, except a cable television system. A  
28 franchise granted by a city authorizes the operation of the franchised activity within the city. No  
29 franchise shall be granted for a period of more than 60 years, including a franchise granted to a  
30 sanitary landfill for the life-of-site of the landfill pursuant to G.S. 130A-294(b1); provided,  
31 however except that a franchise for solid waste collection or disposal systems and  
32 facilities facilities, other than sanitary landfills, shall not be granted for a period of more than 30  
33 years. Except as otherwise provided by law, when a city operates an enterprise, or upon granting  
34 a franchise, a city may by ordinance make it unlawful to operate an enterprise without a  
35 franchise."

36 **SECTION 2.(d)** G.S. 153A-136 reads as rewritten:

37 **"§ 153A-136. Regulation of solid wastes.**

38 (a) A county may by ordinance regulate the storage, collection, transportation, use,  
39 disposal, and other disposition of solid wastes. Such an ordinance may:

- 40 ...
- 41 (3) Grant a franchise to one or more persons for the exclusive right to  
42 commercially collect or dispose of solid wastes within all or a defined  
43 portion of the county and prohibit any other person from commercially  
44 collecting or disposing of solid wastes in that area. The board of  
45 commissioners may set the terms of any franchise, except that no franchise  
46 may be granted for a period exceeding 30 years, nor may any franchise;  
47 provided, however, no franchise shall be granted for a period of more than 30  
48 years, except for a franchise granted to a sanitary landfill for the life-of-site  
49 of the landfill pursuant to G.S. 130A-294(b1), which may not exceed 60  
50 years. No franchise by its terms may impair the authority of the board of  
51 commissioners to regulate fees as authorized by this section.

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..."

**SECTION 2.(e)** This section applies to franchise agreements: (1) executed on or after October 1, 2015; and (2) executed on or before October 1, 2015, only if all parties to the agreement consent to modify the agreement for the purpose of extending the agreement's duration of the life-of-site of the landfill for which the agreement was executed.

**SECTION 3.** Except as otherwise provided, this act is effective retroactively to July 1, 2015.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

U

D

BILL DRAFT 2015-RIz-29 [v.6] (01/07)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)  
04/12/2016 11:10:36 AM

Short Title: Repeal Yard Waste Permitting Rqmts.

(Public)

Sponsors:

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO REPEAL SOLID WASTE PERMITTING REQUIREMENTS FOR YARD  
3 WASTE, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.  
4 The General Assembly of North Carolina enacts:  
5 SECTION 1. G.S. 130A-294(a)(45) reads as rewritten:  
6 "§ 130A-290. Definitions.  
7 (a) Unless a different meaning is required by the context, the following definitions shall  
8 apply throughout this Article:  
9 (45) "Yard trash" means solid waste ~~consisting solely of vegetative matter~~  
10 ~~resulting from landscaping maintenance and yard maintenance, including~~  
11 ~~brush, grass, tree limbs, and similar vegetative material.~~  
12 (46) "Yard waste" means yard trash and land-clearing debris, including stumps,  
13 limbs, leaves, grass, and untreated wood."  
14 SECTION 2. G.S. 130A-294 is amended by adding a new subsection to read:  
15 "(v) Yard waste diverted from the waste stream or collected as source separated material  
16 is not subject to a solid waste permit for transfer, treatment, processing, storage, or disposal in a  
17 permitted solid waste management facility. Operators of facilities where yard waste is subject to  
18 transfer, treatment, processing, storage, or disposal, shall, however, do all of the following:  
19 (1) Submit a notification of the yard waste facility to the Department on a  
20 prescribed form, signed and notarized by the owner of the land on which the  
21 facility is located, as well as the operator of the facility, if different from the  
22 owner of the land.  
23 (2) File the notification form submitted pursuant to subdivision (1) of this  
24 subsection for recordation in the Register of Deeds' Office. The Register of  
25 Deeds shall index the notification in the grantor index under the name of the  
26 owner of the land in the county or counties in which the land is located. A  
27 copy of the recorded notification, affixed with the Register's seal and the  
28 date, book and page number of recording shall be sent to the Department.  
29 (3) Comply with all other federal, State, or local laws, ordinances, rules,  
30 regulations, or orders, including zoning, flood plain, and wetland restrictions,  
31 sedimentation and erosion control requirements, and mining regulations.  
32 Nothing in this subsection shall be construed as limiting the authority of any  
33 local government to manage the transfer, treatment, processing, storage, or  
34 disposal of yard waste."

1           **SECTION 3. (a)** Definitions. – "Treatment and Processing Facilities Rule" means  
2 15A NCAC 13B .0300 (Treatment and Processing Facilities) for purposes of this section and its  
3 implementation.

4           **SECTION 3.(b)** Treatment and Processing Facilities Rule. – Until the effective date  
5 of the revised permanent rule that the Commission for Public Health is required to adopt pursuant  
6 to Section 3(d) of this act, the Commission and the Department of Environmental Quality shall  
7 implement the Treatment and Processing Facilities Rule and any other rule in Chapter 15A of the  
8 Administrative Code that requires a solid waste permit for the transfer, treatment, processing,  
9 storage, or disposal of yard waste, as provided in Section 3(c) of this act.

10           **SECTION 3.(c)** Implementation. – Notwithstanding any provision of the Treatment  
11 and Processing Facilities Rule or any other rule in Chapter 15A of the Administrative Code that  
12 requires a solid waste permit for the transfer, treatment, processing, storage, or disposal of yard  
13 waste, the Commission shall not require a solid waste permit for the transfer, treatment,  
14 processing, storage, or disposal of yard waste.

15           **SECTION 3.(d)** Additional Rule-Making Authority. – The Commission shall adopt  
16 a rule to replace or modify the Treatment and Processing Facilities Rule and any other rule in  
17 Chapter 15A of the Administrative Code that requires a solid waste permit for the transfer,  
18 treatment, processing, storage, or disposal of yard waste. Notwithstanding G.S. 150B-19(4), the  
19 rule adopted by the Commission pursuant to this section shall be substantively identical to the  
20 provisions of Section 3(c) of this act. Rules adopted pursuant to this section are not subject to  
21 G.S. 150B-21.9 through G.S. 150B-21.14. The rule adopted pursuant to this section shall become  
22 effective, as provided in G.S. 150B-21.3(b1), as though 10 or more written objections had been  
23 received, as provided by G.S. 150B-21.3(b2).

24           **SECTION 3.(e)** Effective Date. – Section 3(c) of this act expires when permanent  
25 rules to replace Section 3(c) of this act have become effective, as provided by Section 3(d) of this  
26 act.

27           **SECTION 4.** This act is effective July 1, 2017, and applies to the transfer,  
28 treatment, processing, storage, or disposal of yard waste occurring on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

U

D

BILL DRAFT 2015-MHz-176 [v.3] (04/11)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)  
04/13/2016 11:36:29 AM

Short Title: DACS Enforcement Authority/Bedding.

(Public)

Sponsors:

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE ENFORCEMENT AUTHORITY ASSOCIATED WITH THE  
3 PROGRAM GOVERNING BEDDING IMPROPERLY MADE, SANITIZED, OR  
4 TAGGED, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW  
5 COMMISSION.  
6 The General Assembly of North Carolina enacts:  
7 **SECTION 1.** G.S. 106-65.106 reads as rewritten:  
8 **"§ 106-65.105. Enforcement by the Department of Agriculture and Consumer Services.**  
9 (a) General authority. – The Department of Agriculture and Consumer Services shall  
10 enforce the provisions of this Article and the rules adopted by the Board of Agriculture.  
11 (b) Embargo. – The Commissioner of Agriculture may prohibit sale and place an "off  
12 sale" tag on any bedding which is not made, sanitized, or tagged as required by this Article and  
13 the rules of the Board of Agriculture. The bedding shall not be sold or otherwise removed until  
14 the violation is remedied and the Commissioner of Agriculture has reinspected it and removed the  
15 "off sale" tag.  
16 (c) Recordkeeping. – A person supplying material to a bedding manufacturer shall  
17 furnish an itemized invoice of all furnished material. Each material entering into willowed or  
18 other mixtures shall be shown on the invoice. The bedding manufacturer shall keep the invoice on  
19 file for one year subject to inspection by the Department of Agriculture and Consumer Services.  
20 (d) Right to seize and sample. – When the Commissioner of Agriculture has reason to  
21 believe that bedding is not tagged or filled as required by this Article, the Commissioner of  
22 Agriculture shall have authority to open a seam of the bedding to examine the filling, and, if  
23 unable after this examination to determine if the filling is of the kind stated on the tag, shall have  
24 the authority to examine purchase or other records necessary to determine definitely the kind of  
25 material used in the bedding. The Commissioner of Agriculture shall have authority to seize and  
26 hold for evidence any records and any bedding or bedding material which in the opinion of the  
27 Commissioner of Agriculture is made, possessed or offered for sale in violation of this Article or  
28 the rules of the Board of Agriculture. The Commissioner of Agriculture shall have authority to  
29 take a sample of any bedding or bedding material for the purpose of examination or for evidence.  
30 (e) Right of entry. – The Commissioner of Agriculture shall have the right of entry upon  
31 the premises of any place where entry is necessary to enforce the provisions of this Article or the  
32 rules adopted by the Board of Agriculture. If consent for entry is not obtained, an administrative  
33 search and inspection warrant shall be obtained pursuant to G.S. 15-27.2."

1       (f)     Injunction. – If a person shall violate any provision of this Article, or the rules  
2 implementing this Article adopted by the Board of Agriculture, the Commissioner may institute  
3 an action for injunctive relief, irrespective of all other remedies at law, in the superior court of the  
4 county where the violation occurred or where a defendant resides."

5       **SECTION 2.** This act becomes effective December 1, 2016, and applies to  
6 violations of Article 4H of Chapter 106 committed on or after that date.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

U

D

BILL DRAFT 2015-TAz-11 [v.6] (03/30)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)  
04/12/2016 12:32:29 PM

Short Title: DHHS/Develop State Chemical Action Plan.

(Public)

Sponsors:

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, IN  
3 CONSULTATION WITH THE DEPARTMENT OF ENVIRONMENTAL QUALITY AND  
4 THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, TO DEVELOP  
5 A CHEMICAL ACTION PLAN THAT IDENTIFIES ACTIONS THE STATE MAY TAKE  
6 IN ORDER TO REDUCE THE THREATS POSED TO CHILDREN BY TOXIC  
7 CHEMICAL FLAME RETARDANTS, AS RECOMMENDED BY THE  
8 ENVIRONMENTAL REVIEW COMMISSION.

9 The General Assembly of North Carolina enacts:

10 **SECTION 1.** The Department of Health and Human Services, in consultation with  
11 both the Department of Environmental Quality and the Department of Agriculture and Consumer  
12 Services, shall together develop a State Chemical Action Plan (Plan) that identifies and  
13 recommends actions that the State may take in order to reduce the threats posed to children by  
14 toxic chemical flame retardants in children's products. In developing this Plan, the three agencies  
15 shall:

- 16 (1) Review and report on the activities of the United States Environmental  
17 Protection Agency as the Agency reviews and evaluates the data,  
18 information, and comments received, as those data, information, and  
19 comments pertain to children's products, for the following regulatory  
20 dockets:
- 21 a. Chlorinated Phosphate Esters cluster. Docket ID Number EPA-HQ-  
22 OPPT-2015-0068.
  - 23 b. Tetrabromobisphenol A cluster. Docket ID Number EPA-HQ-  
24 OPPT- 2014-0730.
  - 25 c. Cyclic Aliphatic Bromides cluster. Docket ID Number EPA-HQ-  
26 OPPT-2015-0081.
  - 27 d. Brominated Phthalates cluster. Docket ID Number EPA-HQ-OPPT-  
28 2014-0491.
- 29 (2) Adopt a toxic chemical flame retardants use reporting plan for manufacturers  
30 of children's products
- 31 (3) Evaluate and apply any other relevant reports or actions that the agencies  
32 deem appropriate, including input from stakeholders.
- 33 (4) Based on the information obtained in the review required by subdivisions (1)  
34 and (3) of this Section, identify actions that the State may take to reduce

1 children's exposure to toxic chemical flame retardants posed by children's  
2 products.

3 **SECTION 2.** For purposes of developing the Plan as required by Section 1 of this  
4 act, the term "children's products" means the following:

- 5 (1) Bedding products, as that term is defined in G.S. 106-65.95, that are designed  
6 for or used by children 12 years of age or younger; including crib mattresses.
- 7 (2) Nursing pillows and other similar nursing aids.
- 8 (3) Changing table pads.

9 **SECTION 3.** The Department of Health and Human Services shall report on the  
10 State Chemical Action Plan, including findings, recommendations, and any legislative proposals  
11 to adopt the Plan, to the Environmental Review Commission and the Joint Legislative Oversight  
12 Health Committee on Human Services on or before December 1, 2017.

13 **SECTION 4.** This act is effective when it becomes law.



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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D

BILL DRAFT 2015-TQz-41A [v.2] (03/30)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)  
04/12/2016 03:15:02 PM

Short Title: DEQ Study Rip. Buffers for Intermit. Streams.

(Public)

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Sponsors:

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Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO DIRECT THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO STUDY  
3 RIPARIAN BUFFER REQUIREMENTS FOR INTERMITTENT STREAMS, AS  
4 RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.  
5 The General Assembly of North Carolina enacts:  
6 SECTION 1. The Department of Environmental Quality shall study whether the size  
7 of riparian buffers required for intermittent streams should be adjusted and whether the allowable  
8 activities within the buffers should be modified. The Department shall report the results of the  
9 study, including any recommendations, to the Environmental Review Commission no later than  
10 December 1, 2016.  
11 SECTION 2. This act is effective when it becomes law.

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GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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D

BILL DRAFT 2015-TSz-5A [v.1] (03/30)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)  
04/12/2016 05:10:10 PM

Short Title: DEQ to Study Nutrient Management Strategies.

(Public)

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Sponsors:

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Referred to:

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1 A BILL TO BE ENTITLED  
2 AN ACT TO DIRECT THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO STUDY  
3 WHETHER NUTRIENT MANAGEMENT STRATEGIES ARE EFFECTIVE OR WILL BE  
4 EFFECTIVE FOR OVERALL WATER QUALITY MANAGEMENT, AS  
5 RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.  
6 The General Assembly of North Carolina enacts:  
7 **SECTION 1.** The Department of Environmental Quality shall study the  
8 effectiveness of nutrient management strategies, including the use of in situ mitigation, on the  
9 protection and improvement of overall water quality for impaired water bodies, as defined by the  
10 federal government. The Department shall also study whether nutrient management strategies will  
11 ever be effective for protecting or improving overall water quality for impaired water bodies. The  
12 Department shall report the results of the study, including any recommendations, to the  
13 Environmental Review Commission no later than December 1, 2016.  
14 **SECTION 2.** This act is effective when it becomes law.

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GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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D

BILL DRAFT 2015-MHz-172 [v.2] (04/01)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)  
04/01/2016 11:51:52 AM

Short Title: DOT to study SEPA reform impacts.

(Public)

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Sponsors:

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Referred to:

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1 A BILL TO BE ENTITLED  
2 AN ACT TO DIRECT THE DEPARTMENT OF TRANSPORTATION TO STUDY THE  
3 FISCAL IMPACT OF SEPA REFORM, AS RECOMMENDED BY THE  
4 ENVIRONMENTAL REVIEW COMMISSION.  
5 The General Assembly of North Carolina enacts:  
6 SECTION 1. The Department of Transportation shall study the impact on  
7 transportation projects from reforms to the State Environmental Policy Act enacted by Session  
8 Law 2015-90 (House Bill 795). The Department shall specifically assess impacts on  
9 transportation project permitting costs and any other savings due to shortening of project  
10 construction timelines. The Department shall report the results of this study, including any  
11 recommendations for other changes in State environmental law that would result in significant  
12 cost savings, to the Environmental Review Commission no later than December 1, 2016.  
13 SECTION 2. This act is effective when it becomes law.

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GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

U

D

BILL DRAFT 2015-SBz-27A [v.3] (03/31)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)  
04/12/2016 11:05:54 AM

Short Title: DEQ to Comment to Corps on Stream Mitigation.

(Public)

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Sponsors:

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Referred to:

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1 A BILL TO BE ENTITLED  
2 AN ACT TO DIRECT THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO  
3 COMMENT TO THE UNITED STATES ARMY CORPS OF ENGINEERS ON STREAM  
4 MITIGATION REQUIREMENTS, AS RECOMMENDED BY THE ENVIRONMENTAL  
5 REVIEW COMMISSION.  
6 The General Assembly of North Carolina enacts:  
7 **SECTION 1.** During the time period for public comment specified by the  
8 Wilmington District of the Army Corps of Engineers in its published notice of the proposed 2017  
9 five year reauthorization of Nationwide Permits issued pursuant to Section 404(e) of the Clean  
10 Water Act, the Department of Environmental Quality shall submit written comments to the  
11 United States Army Corps of Engineers on behalf of the State in support of the Wilmington  
12 District adopting Regional Conditions that will increase the threshold for the requirement of  
13 mitigation for loss of stream bed of perennial or ephemeral/intermittent stream from 150 linear  
14 feet to 300 linear feet.  
15 **SECTION 2.** This act is effective when it becomes law.

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GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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D

BILL DRAFT 2015-SBz-28 [v.2] (03/31)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)  
03/31/2016 02:57:36 PM

Short Title: DEQ to Study Intrabasin Transfers.

(Public)

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Sponsors:

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Referred to:

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1 A BILL TO BE ENTITLED  
2 AN ACT TO DIRECT THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO STUDY  
3 THE REQUIREMENTS FOR INTRABASIN TRANSFERS, AS RECOMMENDED BY  
4 THE ENVIRONMENTAL REVIEW COMMISSION.  
5 The General Assembly of North Carolina enacts:  
6 SECTION 1. The Department of Environmental Quality shall study whether all of  
7 the requirements for an interbasin transfer are necessary and appropriate for intrabasin transfers  
8 within the same river basin. The Department shall specifically consider whether the requirements  
9 for intrabasin transfers should be adjusted based on the topography and geographic regions of the  
10 State. The Department shall report the results of this study, including any recommendations, to  
11 the Environmental Review Commission no later than December 1, 2016.  
12 SECTION 2. This act is effective when it becomes law.

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