

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 2161*

Short Title: Amend Environmental Laws 2006. (Public)

Sponsors: Representatives Gibson, Harrell, and Justice (Primary Sponsors).

Referred to: Environment and Natural Resources.

May 18, 2006

A BILL TO BE ENTITLED

1 AN ACT TO AMEND VARIOUS ENVIRONMENTAL LAWS TO: (1) CLARIFY
2 THE REQUIREMENT THAT MOTOR VEHICLES OPERATED ON A
3 FEDERAL INSTALLATION IN AN EMISSIONS COUNTY ARE SUBJECT TO
4 EMISSIONS INSPECTION REQUIREMENTS; (2) CLARIFY THE
5 REQUIREMENT THAT LAND-DISTURBING ACTIVITY BE CONDUCTED IN
6 ACCORDANCE WITH AN APPROVED PLAN; (3) AUTHORIZE THE
7 ENVIRONMENTAL REVIEW COMMISSION AND THE JOINT LEGISLATIVE
8 COMMISSION ON SEAFOOD AND AQUACULTURE TO CONTRACT FOR
9 CONSULTANTS; (4) PROVIDE THAT A PERSON WHO INSTALLS, REPAIRS,
10 OR PUMPS SEPTIC SYSTEMS MAY PURCHASE AND INSTALL APPROVED
11 EFFLUENT FILTERS; AND (5) PROVIDE THAT STORMWATER CONTROL
12 ORDINANCES THAT ARE ADOPTED BY CITIES MUST AT LEAST MEET
13 ALL OF THE MINIMUM STATUTORY REQUIREMENTS, AS
14 RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

15 The General Assembly of North Carolina enacts:

16 **SECTION 1.** G.S. 20-183.2(b)(1) reads as rewritten:

17 "(1) It is subject to registration with the Division under Article 3 of this
18 ~~Chapter~~Chapter, except for motor vehicles operated on a federal
19 installation as provided in sub-subdivision e. of subdivision (5) of this
20 subsection.
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22 **SECTION 2.** G.S. 113A-57 is amended by adding a new subdivision to

23 read:

24 "(5) The land-disturbing activity shall be conducted in accordance with the
25 approved erosion and sedimentation control plan."

26 **SECTION 3.** G.S. 120-70.44 reads as rewritten:

27 "**§ 120-70.44. Additional powers.**

28 (a) The Environmental Review Commission, while in the discharge of official
29 duties, may exercise all the powers provided for under the provisions of G.S. 120-19,

1 and G.S. 120-19.1 through G.S. 120-19.4. The Environmental Review Commission may
2 meet at any time upon the call of either cochairman, whether or not the General
3 Assembly is in session. The Environmental Review Commission may meet in the
4 Legislative Building or the Legislative Office Building upon the approval of the
5 Legislative Services Commission.

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

12 (c) The Commission may contract for consultants or hire employees in
13 accordance with G.S. 120-32.02."

14 **SECTION 4.** G.S. 120-70.63 reads as rewritten:

15 "**§ 120-70.63. Additional powers.**

16 (a) The Commission, while in the discharge of official duties, may exercise all
17 the powers of a joint committee of the General Assembly provided for under the
18 provisions of G.S. 120-19, and G.S. 120-19.1 through G.S. 120-19.4. The Commission
19 may meet at any time upon the call of either cochair, whether or not the General
20 Assembly is in session. The Commission may meet in the Legislative Building or the
21 Legislative Office Building upon the approval of the Legislative Services Commission.

22 (b) The Commission may contract for consultants or hire employees in
23 accordance with G.S. 120-32.02."

24 **SECTION 5.** G.S. 130A-335.1(a) reads as rewritten:

25 "(a) The manufacturer of each person who manufactures, installs, repairs, or
26 pumps any septic tank to be installed in this State as a part of a septic tank system that is
27 designed to treat 3,000 gallons per day or less of sewage shall provide an effluent filter
28 approved by the Department pursuant to the requirements of G.S. 130A-335, this
29 section, and rules adopted by the Commission. Any person who installs, repairs, or
30 pumps systems described in this section may purchase and install any approved filters
31 on the systems. The person who installs the ~~septic tank system~~ effluent filter shall install
32 the effluent filter as a part of the septic tank system in accordance with the
33 specifications provided by the manufacturer of the effluent filter. An effluent filter shall:

- 34 (1) Be made of materials that are capable of withstanding the corrosives to
35 which septic tank systems are normally subject.
36 (2) Prevent solid material larger than one-sixteenth of an inch, as
37 measured along the shortest axis of the material, from entering the
38 drainfield.
39 (3) Be designed and constructed to allow for routine maintenance.
40 (4) Be designed and constructed so as not to require maintenance more
41 frequently than once in any three-year period under normally
42 anticipated use."

43 **SECTION 6.** Part 8 of Article 19 of Chapter 160A of the General Statutes is
44 amended by adding a new section to read:

1 **"§ 160A-459. Stormwater control.**

2 A city may adopt and enforce a stormwater control ordinance as authorized by Part 1
3 of Article 21 of Chapter 143 of the General Statutes. A stormwater control ordinance
4 adopted pursuant to this section must at least meet all of the minimum requirements of
5 Part 1 of Article 21 of Chapter 143 of the General Statutes."

6 **SECTION 7.** This act is effective when the act becomes law.