

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 308
Committee Substitute Favorable 3/28/19
Senate Agriculture/Environment/Natural Resources Committee Substitute Adopted
6/17/20
Senate Finance Committee Substitute Adopted 6/18/20

Short Title: Various Ag/NER Changes. (Public)

Sponsors:

Referred to:

March 11, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CHANGES TO LAWS GOVERNING MATTERS RELATED
3 TO THE ENVIRONMENT AND NATURAL RESOURCES.

4 The General Assembly of North Carolina enacts:

5
6 **NORTH CAROLINA ON-SITE WASTEWATER CONTRACTORS AND INSPECTORS**
7 **CERTIFICATION BOARD/GRANT OF AUTHORITY TO HOLD REAL PROPERTY**

8 **SECTION 1.** G.S. 90A-74 reads as rewritten:

9 **"§ 90A-74. Powers and duties of the Board.**

10 The Board shall have the following general powers and duties:

- 11 (1) To adopt rules in the manner prescribed by Chapter 150B of the General
12 Statutes to govern its actions and to implement the provisions of this Article.
13 (2) To determine the eligibility requirements for persons seeking certification
14 pursuant to this Article.
15 (3) To establish grade levels of certifications based on design capacity,
16 complexity, projected costs, and other features of approved on-site wastewater
17 systems.
18 (4) To develop and administer examinations for specific grade levels of
19 certification as approved by the Board. The Board may approve applications
20 by recognized associations for certification of its members after a review of
21 the requirements of the association to ensure that they are equivalent to the
22 requirements of the Board.
23 (5) To issue, renew, deny, restrict, suspend, or revoke certifications and to carry
24 out any of the other actions authorized by this Article.
25 (6) To establish, publish, and enforce rules of professional conduct of persons
26 who are certified pursuant to this Article.
27 (7) To maintain a record of all proceedings and make available to persons
28 certified under this Article, and to other concerned parties, an annual report of
29 all Board action.
30 (8) To establish reasonable fees for application, certification, and renewal, and
31 other services provided by the Board.
32 (9) To conduct investigations to determine whether violations of this Article or
33 grounds for disciplining persons certified under this Article exist.



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- 1 (10) To adopt a common seal containing the name of the Board for use on all
- 2 certificates and official reports issued by the Board.
- 3 (10a) To employ staff necessary to carry out the provisions of this Article and to
- 4 determine the compensation, duties, and other terms and conditions of
- 5 employment of its staff.
- 6 (10b) To employ professional, clerical, investigative, or special personnel necessary
- 7 to carry out the provisions of this Article.
- 8 (10c) To acquire, hold, convey, rent, encumber, alienate, and otherwise deal with
- 9 real property in the same manner as a private person or corporation, subject
- 10 only to the approval of the Governor and Council of State. The rents, proceeds,
- 11 and other revenues and benefits of the ownership of real property shall inure
- 12 to the Board. Collateral pledged by the Board for any encumbrance of real
- 13 property shall be limited to the assets, income, and revenues of the Board.
- 14 (11) To conduct other services necessary to carry out the purposes of this Article."

ESTABLISH A MAXIMUM FEE FOR THE AUTHORIZED ONSITE WASTEWATER EVALUATOR PROGRAM

SECTION 1A. G.S. 90A-75 reads as rewritten:

"§ 90A-75. Expenses and fees.

(a) Expenses. – All salaries, compensation, and expenses incurred or allowed for the purposes of carrying out this Article shall be paid by the Board exclusively out of the funds received by the Board as authorized by this Article. No salary, expense, or other obligations of the Board may be charged against the General Fund of the State. Neither the Board nor any of its members or employees may incur any expense, debt, or financial obligation binding upon the State.

(b) Contributions. – The Board may accept grants, contributions, devises, and gifts that shall be kept in the same account as the funds deposited in accordance with this Article and other provisions of the law.

(c) Fees. – All fees shall be established in rules adopted by the Board. The Board shall establish fees sufficient to pay the costs of administering this Article, but in no event shall the Board charge a fee at an annual rate in excess of the following:

| | | |
|-----|--|-------------------------------|
| (1) | Application for basic certification | \$150.00 |
| (2) | Application for each grade level | \$50.00 |
| (3) | Certification renewal | \$100.00 |
| (4) | Reinstatement of revoked or suspended Certification | \$500.00 |
| (5) | Application for on-site wastewater system inspector | \$200.00. \$200.00 |
| (6) | <u>Application for authorized on-site wastewater evaluator</u> | <u>\$300.00.</u> |

(c1) Use of Fees. – All fees collected pursuant to this Article shall be held by the Board and used by the Board for the sole purpose of administering this Article.

(d) Audit. – The Board is subject to the oversight of the State Auditor under Article 5A of Chapter 147 of the General Statutes."

ALLOW DIVISION OF COASTAL MANAGEMENT TO ACCEPT ELECTRONIC PAYMENTS

SECTION 2. G.S. 113A-119 reads as rewritten:

"§ 113A-119. Permit applications generally.

(a) Any person required to obtain a permit under this Part shall file with the Secretary and (in the case of a permit sought from a city or county) with the designated local official an

1 application for a permit in accordance with the form and content designated by the Secretary and
2 approved by the Commission. The applicant must submit with the application a ~~check~~ an
3 electronic payment, check, or money order payable to the Department or the city or county, as
4 the case may be, constituting a fee set by the Commission pursuant to G.S. 113A-119.1.
5"

6
7 **ALLOW THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO ESTABLISH**
8 **EMERGENCY MEASURES AND PROCEDURES APPLICABLE TO SOLID WASTE**
9 **MANAGEMENT DURING A STATE OF EMERGENCY DECLARED BY THE**
10 **GOVERNOR**

11 **SECTION 3.** G.S. 130A-303 reads as rewritten:

12 **"§ 130A-303. Imminent hazard.**

13 (a) The judgment of the Secretary that an imminent hazard exists concerning solid waste
14 shall be supported by findings of fact made by the Secretary.

15 (b) In order to eliminate an imminent hazard, the Secretary may, without notice or
16 hearing, issue an order requiring that immediate action be taken to protect the public health or
17 the environment. This order may be directed to a generator or transporter of solid waste or to the
18 owner or operator of a solid waste management facility. Where the imminent hazard is caused
19 by an inactive hazardous substance or waste disposal site, the Secretary shall follow the
20 procedures set forth in G.S. 130A-310.5.

21 (c) When a state of emergency, as defined in G.S. 166A-19.3, has been declared by the
22 Governor due to a natural disaster such as a pandemic, epidemic, hurricane or flood, or due to a
23 pending disaster, the Secretary, or an authorized representative of the Secretary, may, upon
24 request of a public or private landfill operator, or on the Secretary's own initiative, develop and
25 implement any emergency measures and procedures that the Secretary deems necessary for the
26 proper management of solid waste generated during the declared emergency. All State agencies
27 and political subdivisions of the State shall cooperate with the implementation of the emergency
28 measures and procedures developed pursuant to this section. Such emergency procedures and
29 measures may include any of the following: (i) restrictions on the collection, storage, and
30 transportation of solid waste, (ii) decisions on facility operational conditions such as operational
31 times and waste acceptance, and (iii) any other measures or procedures necessary to allow for
32 the proper disposal of solid waste within impacted communities. Written notice of emergency
33 measures and procedures developed and implemented pursuant to this subsection shall be
34 provided to news media, waste organizations, governmental agencies, solid waste facilities, and
35 any other interested or affected parties as determined by the Secretary. Emergency measures and
36 procedures developed and implemented pursuant to this section shall expire no more than 60
37 days after a declaration of a state of emergency has expired or been rescinded by the Governor."
38

39 **ABANDONED AND DERELICT VESSELS**

40 **SECTION 4.** Subdivision (10) of Section 2.1 of S.L. 2019-224 reads as rewritten:

41 "(10) \$1,000,000 to the Wildlife Resource Commission (WRC) to inspect,
42 investigate, and remove ~~derelict and abandoned water~~ abandoned and derelict
43 vessels. Notwithstanding any provision of law in Chapter 75A of the General
44 Statutes, the WRC is authorized to use these and other available funds to
45 inspect, investigate, and remove ~~remove, and dispose of~~ abandoned and
46 derelict vessels. Prior to removing and disposing of a vessel under this
47 subdivision, the WRC shall (i) send written notice to the last known owner of
48 the status of the vessel if an owner can be determined and (ii) post a notice on
49 the vessel advising that the vessel is abandoned. If no response to the written
50 notice to owner or the notice posted on the vessel is received within 30 days
51 indicating intent to recover while taking specific acts to remove the vessel,

1 then the WRC may proceed with removal and disposal of the vessel. The
2 WRC may remove and dispose of abandoned and derelict vessels on private
3 property after receiving written permission from the property owner and
4 following the other procedures set forth in this section. The WRC shall
5 prioritize the use of State funds for the removal of abandoned and derelict
6 vessels located on public waters and lands. As used in this subdivision, the
7 phrase "abandoned and derelict vessel" means a water going craft located in
8 a canal or the Intracoastal Waterway that has been damaged or destroyed by
9 weather-related events and that is impeding water traffic. The phrase does not
10 apply to a vessel that is moored to a dock or otherwise not located in an area
11 of normal water traffic. WRC may also remove and dispose of vessels
12 identified by the Marine Patrol of the Division of Marine Fisheries; a vessel,
13 as defined in G.S. 75A-2(5), that is left or stored for more than 30 days in one
14 of the following states:

- 15 a. In a wrecked, junked, or substantially damaged or dismantled
16 condition upon any public waters and lands of the State.
17 b. At a harbor or anchorage within public waters of the State without the
18 consent of the public agency having jurisdiction thereof.
19 c. Docked, grounded, or beached upon the property of another without
20 the consent of the owner of the property."
21

22 **CLARIFY FUNDING FOR THE LINDSEY BRIDGE DAM REPAIR AND STREAM** 23 **RESTORATION PROJECT IN ROCKINGHAM COUNTY**

24 **SECTION 5.** Funds allocated for the Lindsey Bridge Dam Repair and Stream
25 Restoration project by Section 36.3(a) of S.L. 2018-5 shall be reallocated to provide a directed
26 grant (as defined in Section 6(a) of this act) to the Town of Madison for the Lindsey Bridge Dam
27 Repair and Stream Restoration project.

28 **SECTION 6.(a)** Definitions. – For purposes of this section, the following definitions
29 apply:

- 30 (1) Directed grant. – Nonrecurring funds allocated by a State agency to a
31 non-State entity as directed by an act of the General Assembly.
32 (2) Non-State entity. – As defined in G.S. 143C-1-1.

33 **SECTION 6.(b)** Requirements. – Nonrecurring funds appropriated in this section as
34 directed grants are subject to all of the following requirements:

- 35 (1) Directed grants are subject to the provisions of subsections (b) through (k) of
36 G.S. 143C-6-23.
37 (2) Directed grants of one hundred thousand dollars (\$100,000) or less may be
38 made in a single annual payment in the discretion of the Director of the
39 Budget. Directed grants of more than one hundred thousand dollars
40 (\$100,000) shall be made in quarterly or monthly payments in the discretion
41 of the Director of the Budget. A State agency administering a directed grant
42 shall begin disbursement of funds to a non-State entity that meets all
43 applicable requirements as soon as practicable, but no later than 100 days after
44 the date this act becomes law.
45 (3) Beginning on the first day of a quarter following the deadline provided in
46 subdivision (2) of this subsection and quarterly thereafter, State agencies
47 administering directed grants shall report to the Fiscal Research Division on
48 the status of funds disbursed for each directed grant until all funds are fully
49 disbursed. At a minimum, the report required under this subdivision shall
50 include updates on (i) the date of the initial contact, (ii) the date the contract
51 was sent to the entity receiving the funds, (iii) the date the disbursing agency

1 received the fully executed contract back from the entity, (iv) the contract
2 execution date, and (v) the payment date.

3 (4) Notwithstanding any provision of G.S. 143C-1-2(b) to the contrary,
4 nonrecurring funds appropriated in this act as directed grants shall not revert
5 until June 30, 2021.

6 (5) Directed grants to nonprofit organizations are for nonsectarian, nonreligious
7 purposes only.

8 **SECTION 6.(c)** This section expires on June 30, 2021.
9

10 **MERCURY SWITCH PROGRAM EXTENSION**

11 **SECTION 7.(a)** Section 9 of S.L. 2007-142, as amended by Section 14.1(a) of S.L.
12 2016-94 and Section 13.21(a) of S.L. 2017-57, reads as rewritten:

13 "**SECTION 9.** Sections 1, 2, 6, 7, and 9 of this act become effective when this act becomes
14 law. Sections 3, 4, and 8 of this act become effective 1 July 2007. Section 5 of this act becomes
15 effective 1 July 2007 and applies to violations that occur on or after that date. The Department
16 shall submit the first annual report required by G.S. 130A-310.57, as enacted by Section 7 of this
17 act, on or before 1 October 2008. Effective ~~June 30, 2021~~, June 30, 2031, Part 6 of Article 9 of
18 Chapter 130A of the General Statutes, as amended by this act, is repealed."

19 **SECTION 7.(b)** Section 14.1(c) of S.L. 2016-94, as amended by Section 13.21(b)
20 of S.L. 2017-57, reads as rewritten:

21 "**SECTION 14.1.(c)** Subsection (b) of this section becomes effective ~~June 30, 2021~~, June
22 30, 2031. Funds remaining in the Mercury Pollution Prevention Fund (Fund Code 24300-2119)
23 on that date shall be transferred to the Division of Waste Management (Fund Code 14300-1760)."

24 **SECTION 7.(c)** Section 34.37(b) of S.L. 2017-57 reads as rewritten:

25 "**SECTION 34.37.(b)** This section becomes effective July 1, 2017, and expires on June 30,
26 ~~2021-2031~~."

27 **SECTION 7.(d)** This section becomes effective June 30, 2020.
28

29 **COLLABORATORY REPORTING CHANGES**

30 **SECTION 8.(a)** Section 13.1(g) of S.L. 2018-5, as amended by Section 7(d) of S.L.
31 2019-241, reads as rewritten:

32 "**SECTION 13.1.(g)** The North Carolina Policy Collaboratory at the University of North
33 Carolina at Chapel Hill (Collaboratory) shall identify faculty expertise, technology, and
34 instrumentation, including mass spectrometers, located within institutions of higher education in
35 the State, including the Universities of North Carolina at Chapel Hill and Wilmington, North
36 Carolina State University, North Carolina A&T State University, Duke University, and other
37 public and private institutions, and coordinate these faculty and resources to conduct nontargeted
38 analysis for PFAS, including GenX, at all public water supply surface water intakes and one
39 public water supply well selected by each municipal water system that operates groundwater
40 wells for public drinking water supplies as identified by the Department of Environmental
41 Quality, to establish a water quality baseline for all sampling sites. The Collaboratory, in
42 consultation with the participating institutions of higher education, shall establish a protocol for
43 the baseline testing required by this subsection, as well as a protocol for periodic retesting of the
44 municipal intakes and additional public water supply wells. No later than ~~October 15, 2020~~, April
45 15, 2021, the Collaboratory shall report the results of such sampling by identifying chemical
46 families detected at each intake to the Joint Legislative Oversight Committee on Agriculture and
47 Natural and Economic Resources, the Environmental Review Commission, the Department of
48 Environmental Quality, the Department of Health and Human Services, and the United States
49 Environmental Protection Agency."

50 **SECTION 8.(b)** Section 2.1 of S.L. 2019-224, reads as rewritten:

1 "SECTION 2.1. Allocations. – The funds appropriated and reallocated in Part I of this act
2 in the Hurricane Florence Disaster Recovery Fund shall be allocated as follows:

3 ...

4 (8) \$10,160,000 to The University of North Carolina Board of Governors to be
5 used as follows:

- 6 a. \$160,000 to the North Carolina Policy Collaboratory (Collaboratory)
7 for the ModMon program.
- 8 b. \$2,000,000 to the Collaboratory to study flooding and resiliency
9 against future storms in Eastern North Carolina and to develop an
10 implementation plan with recommendations. The Collaboratory shall
11 report the flooding and resiliency implementation plan to the Joint
12 Legislative Emergency Management Oversight Committee no later than
13 ~~December 1, 2020~~ June 1, 2021. Notwithstanding Section 3.1(c)
14 of S.L. 2018-134, funds allocated to the Collaboratory as provided in
15 this sub-subdivision shall revert on ~~December 30, 2020~~ June 30, 2021.
16 The University of North Carolina shall not charge indirect facilities
17 and administrative costs against the funding provided for the
18 Collaboratory from the Hurricane Florence Disaster Recovery Fund.
- 19 c. \$8,000,000 to the University of North Carolina Wilmington (UNC-W)
20 for repairs and renovations to the Dobo Hall science building, which
21 was damaged by Hurricane Florence.

22"

23 **SECTION 8.(c)** Section 11.8 of S.L. 2016-94 reads as rewritten:

24 **"SECTION 11.8.** The one million dollars (\$1,000,000) in recurring funds appropriated in
25 this act to the Board of Governors of The University of North Carolina for the 2016-2017 fiscal
26 year to establish and operate a North Carolina Policy Collaboratory at the University of North
27 Carolina at Chapel Hill shall be used to establish a Collaboratory that facilitates the dissemination
28 of the policy and research expertise of The University of North Carolina and other institutions of
29 higher learning within North Carolina for practical use by State and local government-
30 government, although, wherever possible, funding preference may be given to campuses within
31 The University of North Carolina System. Institutions receiving research funding from the
32 Collaboratory shall not charge for indirect overhead costs against any research funds received by
33 the Collaboratory. The Collaboratory, at a minimum, shall conduct research on natural resources
34 management, including, but not limited to, research related to the environmental and economic
35 components of the management of the natural resources within the State of North Carolina and
36 of new technologies for habitat, environmental, and water quality improvement. The
37 Collaboratory shall develop and disseminate relevant best practices to interested parties, may
38 lead or participate in projects across the State related to natural resource management, and may
39 make recommendations to the General Assembly from time to time."

40 **EFFECTIVE DATE**

41 **SECTION 9.** Except as otherwise provided, this act is effective when it becomes
42 law.
43