

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 1041\*

Short Title: Low Pressure Pipe Emerg. Funds.

(Public)

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Sponsors: Senator Miller.

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Referred to: Agriculture/Environment/Natural Resources.

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April 21, 1997

1 A BILL TO BE ENTITLED  
2 AN ACT TO CREATE THE LOW PRESSURE PIPE NETWORK REPLACEMENT  
3 EMERGENCY FUND.

4 The General Assembly of North Carolina enacts:

5 Section 1. Chapter 162A of the General Statutes is amended by adding a new  
6 Article to read:

7 **"ARTICLE 8.**  
8 **"LOW PRESSURE PIPE NETWORK**  
9 **REPLACEMENT EMERGENCY FUND.**

10 **"§ 162A-110. Definitions.**

- 11 (1) Fund. – Low Pressure Pipe Network Replacement Emergency Fund  
12 created pursuant to this Article.
- 13 (2) Pump and haul. – Pumping of the liquid waste (effluent) from the  
14 common collection tank by a carrier into equipment for transportation to  
15 a municipal sewer connection point where it is discharged.
- 16 (3) Infrastructure. – All effluent transport and delivery piping, pumps, and  
17 storage/treatment tanks from the private/public right-of-way interface at  
18 the street for each homesite or from the schoolsite to and including the  
19 common collection area utility lot.

20 **"§ 162A-111. Fund: established; earnings.**

1       (a) Fund Established. – There is established the Low Pressure Pipe Network  
2 Replacement Emergency Fund in the State Treasurer's Office. The Fund shall be  
3 administered by the Department of Commerce.

4       (b) Fund Earnings, Assets, and Balances. – The State Treasurer shall hold the  
5 Fund separate and apart from all other moneys, funds, and accounts. Investment earnings  
6 credited to the assets of the Fund shall become part of the Fund. Any balance in the Fund  
7 at the end of any fiscal year shall be carried forward in the Fund for the next succeeding  
8 fiscal year. Payments from the Fund shall be made on the warrant of the Department of  
9 Commerce.

10 **"§ 162A-112. Fund: purposes.**

11       (a) Moneys from the Fund may be used to finance projects to provide for the  
12 interim repair, permanent connection, and system buy-out of failed community and  
13 public school low pressure pipe systems. Moneys from the Fund may also be used for  
14 any of the following purposes associated with the permanent connection of community  
15 low pressure pipe systems to municipal sewer treatment systems:

16           (1) Interim repair costs to mitigate pump and haul charges until permanent  
17 connection can be made.

18           (2) Design, engineering, bidding, and construction costs with five percent  
19 (5%) contingency.

20           (3) Costs of acquisition of easements necessary for permitting the  
21 construction.

22           (4) Municipal and county impact fees, system buy-out fees, and tap-on fees.

23           (5) Community low pressure pipe field system kill costs after connection.

24 **"§ 162A-113. Fund: grant criteria and eligibility.**

25       (a) Any unit of local government may apply for a grant under this section on  
26 behalf of its citizens.

27       (b) The criteria for issuing a grant under this Article is as follows:

28           (1) The low pressure pipe system has failed or has been declared a public  
29 health risk nuisance by the appropriate county environmental health  
30 agency;

31           (2) The infrastructure cannot be fully rebuilt to satisfy county health code  
32 requirements; and

33           (3) The economies-of-scale needed to reactivate the low pressure pipe  
34 system are nonexistent.

35       (c) The Department of Commerce shall select the applicants to receive grants  
36 under this Article and shall administer the grants.

37       (d) Notwithstanding any other provision of law, the Department of Commerce  
38 shall award grants for the 1997-98 fiscal year to Wake County to be allocated as grants  
39 for the following areas: Stonebridge VI, Stone Creek, Park Ridge, Hollybrook, Woods of  
40 Tiffany, Banbury Woods, River Oaks, Sheffield Manor, Monticello, Yates Mill Run,  
41 Manchester, Pleasant Union School, and Saddleridge.

1 **"§ 162A-114. Fund: certain funds from the Clean Water Management Trust Fund**  
2 **reserved to the Low Pressure Pipe Network Replacement Emergency**  
3 **Fund.**

4 (a) The Clean Water Management Trust Fund is established in G.S. 113-145.3. Of  
5 the funds reserved to the Clean Water Management Trust Fund in accordance with G.S.  
6 143-15.3B, the State Controller shall reserve to the Low Pressure Pipe Network  
7 Replacement Emergency Fund the sum of eight million dollars (\$8,000,000). Those  
8 funds in the Low Pressure Pipe Network Replacement Emergency Fund shall be used  
9 only in accordance with this Article.

10 (b) The funds reserved to the Low Pressure Pipe Network Replacement  
11 Emergency Fund under this Article are in addition to the one million eight hundred  
12 thousand dollars (\$1,800,000) already advanced by the State. If FEMA moneys should  
13 become available for resolution of the community and school low pressure pipe interim  
14 repair and permanent connection, those dollars shall be added to this Fund.

15 **"§ 162A-115. Department of Commerce has rule-making authority.**

16 The Department of Commerce may make rules to implement this Article."

17 Section 2. This act becomes effective July 1, 1997.