

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 169*

Short Title: Env. Tech. Corrections.

(Public)

Sponsors: Senator Albertson.

Referred to: Agriculture/Environment/Natural Resource.

February 17, 1997

A BILL TO BE ENTITLED

AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL CHANGES
TO VARIOUS LAWS RELATING TO ENVIRONMENT, HEALTH, AND
NATURAL RESOURCES, AS RECOMMENDED BY THE ENVIRONMENTAL
REVIEW COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143B-282(a) reads as rewritten:

"(a) There is hereby created the Environmental Management Commission of the Department of Environment, Health, and Natural Resources with the power and duty to promulgate rules to be followed in the protection, preservation, and enhancement of the water and air resources of the State.

(1) Within the limitations of G.S. 143-215.9 concerning industrial health and safety, the Environmental Management Commission shall have all of the following powers and duties:

a. To grant a permit or temporary permit, to modify or revoke a permit, and to refuse to grant permits pursuant to G.S. 143-215.1 and G.S. 143-215.108 with regard to controlling sources of air and water ~~pollution; pollution.~~

b. To issue a special order pursuant to G.S. 143-215.2(b) and G.S. 143-215.110 to any person whom the Commission finds

- 1 responsible for causing or contributing to any pollution of water
2 within such watershed or pollution of the air within the area for
3 which standards have been ~~established~~; established.
- 4 c. To conduct and direct that investigations be conducted pursuant
5 to G.S. 143-215.3 and G.S. ~~143-215.108(b)(5)~~; 143-215.108(b)(5).
- 6 d. To conduct public hearings, institute actions in superior court,
7 and agree upon or enter into settlements, all pursuant to G.S. ~~143-~~
8 ~~215.3~~; 143-215.3.
- 9 e. To direct the investigation of any killing of fish and wildlife
10 pursuant to G.S. ~~143-215.3~~; 143-215.3.
- 11 f. To consult with any person proposing to construct, install, or
12 acquire an air or water pollution source pursuant to G.S. 143-
13 215.3 and G.S. ~~143-215.111~~; 143-215.111.
- 14 g. To encourage local government units to handle air pollution
15 problems and to provide technical and consultative assistance
16 pursuant to G.S. 143-215.3 and G.S. ~~143-215.112~~; 143-215.112.
- 17 h. To review and have general oversight and supervision over local
18 air pollution control programs pursuant to G.S. 143-215.3 and
19 G.S. ~~143-215.112~~; 143-215.112.
- 20 i. To declare an emergency when it finds a generalized dangerous
21 condition of water or air pollution pursuant to G.S. ~~143-215.3~~;
22 143-215.3.
- 23 j. To render advice and assistance to local government regarding
24 floodways pursuant to G.S. ~~143-215.56~~; 143-215.56.
- 25 k. To declare and delineate and modify capacity use areas pursuant
26 to G.S. ~~143-215.13~~; 143-215.13.
- 27 l. To grant permits for water use within capacity use areas pursuant
28 to G.S. ~~143-215.15~~; 143-215.15.
- 29 m. To direct that investigations be conducted when necessary to
30 carry out duties regarding capacity use areas pursuant to G.S.
31 ~~143-215.19~~; 143-215.19.
- 32 n. To approve, disapprove and approve subject to conditions all
33 applications for dam construction pursuant to G.S. 143-215.28; to
34 require construction progress reports pursuant to G.S. ~~143-~~
35 ~~215.29~~; 143-215.29.
- 36 o. To halt dam construction pursuant to G.S. ~~143-215.29~~; 143-
37 215.29.
- 38 p. To grant final approval of dam construction work pursuant to
39 G.S. ~~143-215.30~~; 143-215.30.
- 40 q. To have jurisdiction and supervision over the maintenance and
41 operation of dams pursuant to G.S. ~~143-215.31~~; 143-215.31.
- 42 r. To direct the inspection of dams pursuant to G.S. ~~143-215.32~~;
43 143-215.32.

- 1 s. To modify or revoke any final action previously taken by the
2 Commission pursuant to G.S. 143-214.1 and G.S. ~~143-215.107;~~
3 143-215.107. ~~and~~
4 t. To have jurisdiction and supervision over oil pollution pursuant
5 to Article 21A of Chapter ~~143-~~143. ~~[and]~~
6 u. To administer the State's authority under 33 USC § 1341 of the
7 federal Clean Water Act."

8 Section 2. Section 17 of Chapter 626 of the 1995 Session Laws (1996 Regular
9 Session) reads as rewritten:

10 "Sec. 17. No later than October 1, 1996, the Environmental Management
11 Commission and the Soil and Water Conservation Commission, with technical assistance
12 from the Cooperative Extension Service, shall establish the record-keeping requirements
13 under G.S. ~~143-215.10C(e)(8),~~ 143-215.10C(e)(8), as enacted by Section 2 of this act. The
14 Natural Resources Conservation Service is encouraged to cooperate fully with
15 establishing these requirements."

16 Section 3. Section 2 of Chapter 627 of the 1995 Session Laws (1996 Regular
17 Session) reads as rewritten:

18 "Sec. 2. G.S. ~~113-133(e)~~ 113-133.1(e) is amended by deleting the words
19 'Currituck: Session Laws 1959, Chapter 545.'"

20 Section 4. This act is effective when it becomes law.