

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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HOUSE BILL 1006*
Senate Agriculture/Environment/Natural Resources Committee Substitute
Adopted 10/1/01

Short Title: Environmental Report Consolidation.

(Public)

Sponsors:

Referred to:

April 9, 2001

A BILL TO BE ENTITLED

AN ACT TO CONSOLIDATE VARIOUS ENVIRONMENTAL REPORTING REQUIREMENTS.

The General Assembly of North Carolina enacts:

PART I. REPORTING REQUIREMENTS REPEALED.

SECTION 1.1. Subsections 27.13(b) and (c) of Chapter 18 of the Session Laws of the 1996 Second Extra Session, Subsection 27.26(c) (Straight Pipe Elimination Amnesty Program) of Chapter 18 of the Session Laws of the 1996 Second Extra Session, Subsection 27.30(b) of Chapter 18 of the Session Laws of the 1996 Second Extra Session, Section 15.2 of S.L. 1997-443, Subsection 15.14(b) of S.L. 1997-443, Section 3.2 of S.L. 1997-458, Section 9.1 of S.L. 1997-483, Section 9.2 of S.L. 1997-483, Subsection 14.14(b) of S.L. 1998-212, Subsections 15.14(a) through (g) of S.L. 1999-237, Section 11.2 of S.L. 1999-329, G.S. 143-359, and G.S. 143-670 through G.S. 143-674 are repealed.

SECTION 1.2. Section 3 of Chapter 603 of the 1989 Session Laws, as amended by Section 222 of Chapter 727 of the 1989 Session Laws and Section 3 of Chapter 990 of the 1991 Session Laws, is repealed.

PART II. REPORTING REQUIREMENTS AMENDED OR CODIFIED.

SECTION 2.1. G.S. 113-182.1(e) reads as rewritten:

"(e) The Secretary of Environment and Natural Resources shall monitor progress in the development and adoption of Fishery Management Plans in relation to the Schedule for development and adoption of the plans established by the Marine Fisheries Commission. The Secretary of Environment and Natural Resources shall report to the Joint Legislative Commission on Seafood and Aquaculture ~~and the Environmental Review Commission~~ on progress in developing and implementing the Fishery Management Plans on or before 1 September of each year. The Secretary of Environment and Natural Resources shall report to the Joint Legislative Commission on Seafood and Aquaculture ~~and the Environmental Review Commission~~ within 30 days of

1 the completion or substantial revision of each proposed Fishery Management Plan. The
2 Joint Legislative Commission on Seafood and Aquaculture ~~and the Environmental~~
3 ~~Review Commission~~ shall concurrently review each proposed Fishery Management
4 Plan within 30 days of the date the proposed Plan is submitted by the Secretary. The
5 Joint Legislative Commission on Seafood and Aquaculture ~~and the Environmental~~
6 ~~Review Commission~~ may submit comments and recommendations on the proposed Plan
7 to the Secretary within 30 days of the date the proposed Plan is submitted by the
8 Secretary."

9 **SECTION 2.2.** G.S. 113A-241 reads as rewritten:

10 "**§ 113A-241. State to Preserve One Million Acres; Annual Report.**

11 (a) The State of North Carolina shall encourage, facilitate, plan, coordinate, and
12 support appropriate federal, State, local, and private land protection efforts so that an
13 additional one million acres of farmland, open space, and conservation lands in the State
14 are permanently protected by December 31, 2009. These lands shall be protected by
15 acquisition in fee simple or by acquisition of perpetual conservation easements by
16 public conservation organizations or by private entities that are organized to receive and
17 administer lands for conservation purposes.

18 (b) The Secretary of Environment and Natural Resources shall lead the effort to
19 add one million acres to the State's protected lands and shall plan and coordinate with
20 other public and private organizations and entities that are receiving and administering
21 lands for conservation purposes.

22 (c) The Secretary of Environment and Natural Resources shall report to the
23 Governor and the Environmental Review Commission ~~annually beginning on~~
24 ~~September 1, 2000, on or before 1 September of each year~~ on the State's progress
25 towards attaining the goal established in ~~Section 2 of this Article. this section.~~"

26 **SECTION 2.3.** G.S. 130A-310.10 reads as rewritten:

27 "**§ 130A-310.10. Annual reports.**

28 (a) The Secretary shall ~~present a report on inactive hazardous sites to the~~
29 ~~Environmental Review Commission. Commission on or before 1 October of each year.~~
30 The report shall include at least:

- 31 (1) The Inactive Hazardous Waste Sites Priority List;
- 32 (2) A list of remedial action plans requiring State funding through the
33 Inactive Hazardous Sites Cleanup Fund;
- 34 (3) A comprehensive budget to implement these remedial action plans and
35 the adequacy of the Inactive Hazardous Sites Cleanup Fund to fund the
36 cost of said plans;
- 37 (4) A prioritized list of sites that are eligible for remedial action under
38 CERCLA/SARA together with recommended remedial action plans
39 and a comprehensive budget to implement such plans. The budget for
40 implementing a remedial action plan under CERCLA/SARA shall
41 include a statement as to any appropriation that may be necessary to
42 pay the State's share of such plan;

- 1 (5) A list of sites and remedial action plans undergoing voluntary cleanup
2 with Departmental approval;
- 3 (6) A list of sites and remedial action plans that may require State funding,
4 a comprehensive budget if implementation of these possible remedial
5 action plans is required, and the adequacy of the Inactive Hazardous
6 Sites Cleanup Fund to fund the possible costs of said plans;
- 7 (7) A list of sites ~~which~~ that pose an imminent hazard;
- 8 (8) A comprehensive budget to develop and implement remedial action
9 plans for sites that pose imminent hazards and that may require State
10 funding, and the adequacy of the Inactive Hazardous Sites Cleanup
11 Fund; and
- 12 (9) Any other information requested by the General Assembly or the
13 Environmental Review Commission.

14 ~~(b) The report required by this section shall be made by the Secretary on or~~
15 ~~before 1 November of even-numbered years."~~

16 **SECTION 2.4.** G.S. 143-215.3A(c) reads as rewritten:

17 "(c) The Department shall ~~make an annual~~ report to the ~~General Assembly and its~~
18 Environmental Review Commission and the Fiscal Research Division on the cost of the
19 State's environmental permitting programs contained within ~~such the Department~~
20 Department on or before 1 November of each year. In addition, the Department shall
21 ~~make an annual~~ report to the ~~General Assembly and its~~ Environmental Review
22 Commission and the Fiscal Research Division on the cost of the Title V ~~program~~
23 Program on or before 1 November of each year. The reports shall include, but are not
24 limited to, fees set and established under this Article, fees collected under this Article,
25 revenues received from other sources for environmental permitting and compliance
26 programs, changes made in the fee schedule since the last report, anticipated revenues
27 from all other sources, interest earned and any other information requested by the
28 General Assembly."

29 **SECTION 2.5.** Article 21 of Chapter 143 of the General Statutes is amended
30 by adding a new section to read:

31 "**§ 143-215.8C. Neuse River Modeling and Monitoring Project reports.**

32 The Primary Investigator or Researcher receiving funding pursuant to Subsection
33 14.14(a) of S.L. 1998-212 shall provide progress reports to the Environmental Review
34 Commission, the Joint Legislative Commission on Governmental Operations, the
35 Scientific Advisory Council on Water Resources and Coastal Fisheries Management,
36 and the Fiscal Research Division on 1 January and 1 July of each year until the project
37 or study is complete. Upon completion of the project or study, the Primary Investigator
38 or Researcher shall provide a final report to the entities listed above."

39 **SECTION 2.6.** Article 21 of Chapter 143 of the General Statutes is amended
40 by adding a new section to read:

41 "**§ 143-215.9B. Systemwide municipal and domestic wastewater collection system**
42 **permit program report.**

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

18 **SECTION 2.7.** G.S. 143-355 is amended by adding the following new
19 subsection:

20 "(n) The Department of Environment and Natural Resources shall report to the
21 Environmental Review Commission on the implementation of this section and the
22 development of the State water supply plan on or before 1 September of each year."

23 **SECTION 2.8.** G.S. 143B-279.7(c) reads as rewritten:

24 "(c) The Department of Environment and Natural Resources shall report annually
25 to the Environmental Review Commission ~~and the Senate Agriculture and Environment~~
26 ~~Committee~~ no later than December 1 of each year. This report shall include a summary
27 of all fish kill activity within the last year, an overview of any trend analyses, a
28 discussion of any new or modified methodologies or reporting protocols, and any other
29 relevant information."

30 **SECTION 2.9.** The Department of Environment and Natural Resources shall
31 report to the Environmental Review Commission and the Fiscal Research Division of
32 the General Assembly on or before 15 October of each year on the Wastewater
33 Discharge Elimination Program.

34 **PART III. SOLID WASTE AND RECYCLING REPORT CONSOLIDATION.**

35 **SECTION 3.1.** G.S. 130A-309.06 reads as rewritten:

36 "**§ 130A-309.06. Additional powers and duties of the Department.**

37 (a) In addition to other powers and duties set forth in this Part, the Department
38 shall:

- 39 (1) Develop a comprehensive solid waste management plan consistent
40 with this Part. The plan shall be developed in consultation with units
41 of local government and shall be updated at least every three years. In
42 developing the State solid waste management plan, the Department

- 1 shall hold public hearings around the State and shall give notice of
2 these public hearings to all units of local government and regional
3 planning agencies.
- 4 (2) Provide guidance for the orderly collection, transportation, storage,
5 separation, processing, recovery, recycling, and disposal of solid waste
6 throughout the State.
- 7 (3) Encourage coordinated local activity for solid waste management
8 within a common geographical area.
- 9 (4) Provide planning, technical, and financial assistance to units of local
10 government and State agencies for reduction, recycling, reuse, and
11 processing of solid waste and for safe and environmentally sound solid
12 waste management and disposal.
- 13 (5) Cooperate with appropriate federal agencies, local governments, and
14 private organizations in carrying out the provisions of this Part.
- 15 (6) Promote and assist the development of solid waste reduction,
16 recycling, and resource recovery programs that preserve and enhance
17 the quality of the air, water, and other natural resources of the State.
- 18 (7) Maintain a directory of recycling and resource recovery systems in the
19 State and provide assistance with matching recovered materials with
20 markets.
- 21 (8) Manage a program of grants for programs for recycling and special
22 waste management, and for programs that provide for the safe and
23 proper management of solid waste.
- 24 (9) Provide for the education of the general public and the training of solid
25 waste management professionals to reduce the production of solid
26 waste, to ensure proper processing and disposal of solid waste, and to
27 encourage recycling and solid waste reduction.
- 28 (10) Develop descriptive literature to inform units of local government of
29 their solid waste management responsibilities and opportunities.
- 30 (11) Repealed by Session Laws 1995 (Regular Session, 1996), c. 594, s. 10.
- 31 (12) Provide and maintain recycling bins for the collection and recycling of
32 newspaper, aluminum cans, glass containers, and recyclable plastic
33 beverage containers at the North Carolina Zoological Park.
- 34 (13) Identify, based on reports required under G.S. 130A-309.14 and any
35 other relevant information, those materials in the municipal solid waste
36 stream that are marketable in the State or any portion thereof and that
37 should be recovered from the waste stream prior to treatment or
38 disposal.
- 39 (14) Identify and analyze, with assistance from the Department of
40 Commerce pursuant to G.S. 130A-309.14, components of the State's
41 recycling industry and present and potential markets for recyclable
42 materials in this State, other states, and foreign countries.

1 (b) The Department may refuse to issue a permit to an applicant who by past
2 conduct in this State has repeatedly violated related statutes, rules, orders, or permit
3 terms or conditions relating to any solid waste management facility and who is deemed
4 by the Department to be responsible for the violations. For the purpose of this
5 subdivision, an applicant includes the owner or operator of the facility, or, if the owner
6 or operator is a business entity, the parent of the subsidiary corporation, a partner, a
7 corporate officer or director, or a stockholder holding more than fifty percent (50%) of
8 the stock of the corporation.

9 (c) The Department shall ~~prepare by 1 March of each year a report to the~~
10 Environmental Review Commission on or before 15 January of each year on the status
11 of solid waste management efforts in the State. ~~The scope of the report shall be~~
12 ~~determined by the resources available to the Department for its preparation and, to the~~
13 ~~extent possible,~~ shall include:

- 14 (1) A comprehensive analysis, to be updated in each report, of solid waste
15 generation and disposal in the State projected for the 20-year period
16 beginning on 1 July 1991.
- 17 (2) The total amounts of solid waste recycled and disposed of and the
18 methods of solid waste recycling and disposal used during the calendar
19 year prior to the year in which the report is published.
- 20 (3) An evaluation of the development and implementation of local solid
21 waste management programs and county and municipal recycling
22 programs.
- 23 (4) An evaluation of the success of each county or group of counties in
24 meeting the municipal solid waste reduction goal established in G.S.
25 130A-309.04.
- 26 (5) Recommendations concerning existing and potential programs for
27 solid waste reduction and recycling that would be appropriate for units
28 of local government and State agencies to implement to meet the
29 requirements of this Part.
- 30 (6) An evaluation of the recycling industry, the markets for recycled
31 ~~materials~~ materials, the recycling of polystyrene, and the success of
32 State, local, and private industry efforts to enhance the markets for
33 these materials.
- 34 (7) Recommendations to the Governor and the Environmental Review
35 Commission to improve the management and recycling of solid waste
36 in the State, including any proposed legislation to implement the
37 recommendations.
- 38 (8) A description of the condition of the Solid Waste Management Trust
39 Fund and the use of all funds allocated from the Solid Waste
40 Management Trust Fund, as required by G.S. 130A-309.12(c).
- 41 (9) A description of the review and revision of bid procedures and the
42 purchase and use of reusable, refillable, repairable, more durable, and

1 less toxic supplies and products by both the Department of
2 Administration and the Department of Transportation, as required by
3 G.S. 130A-309.14(a1)(3).

4 (10) A description of the implementation of the North Carolina Scrap Tire
5 Disposal Act that includes the beginning and ending balances in the
6 Scrap Tire Disposal Account for the reporting period, the amount
7 credited to the Scrap Tire Disposal Account during the reporting
8 period, and the amount of revenue used for grants and to clean up
9 nuisance tire collection sites, as required by G.S. 130A-309.63(e).

10 (11) A description of the management of white goods in the State, as
11 required by G.S. 130A-309.85.

12 (12) A summary of the report by the Department of Transportation on the
13 amounts and types of recycled materials that were specified or used in
14 contracts that were entered into by the Department of Transportation
15 during the previous fiscal year, as required by G.S. 136-28.8(g).

16 (13) A summary of the reports by each State department, institution,
17 agency, community college, and local school administrative unit
18 authorized to purchase materials and supplies detailing the amounts
19 and types of materials and supplies with recycled content that were
20 purchased during the previous fiscal year and the progress toward
21 reaching the goals under G.S. 143-58.3, as required by G.S.
22 143-58.2(f).

23 ~~(d) The Department shall prepare a report assessing the recycling industry and~~
24 ~~recyclable materials markets in the State every two years, and shall submit the report to~~
25 ~~the Environmental Review Commission on or before 1 March of even numbered years.~~
26 ~~The report shall include information on progress in recycling polystyrene in the State."~~

27 **SECTION 3.2.** G.S. 130A-309.12(c) reads as rewritten:

28 "(c) The Department shall ~~report annually on or before September 1 to the~~
29 ~~Environmental Review Commission as to~~ include in the report required by G.S.
30 130A-309.06(c) a description of the condition of the Solid Waste Management Trust
31 Fund and as to the use of all funds allocated from the Solid Waste Management Trust
32 Fund."

33 **SECTION 3.3.** G.S. 130A-309.14(a1) reads as rewritten:

34 "(a1) The Department of Administration shall review and revise its bid procedures
35 and specifications set forth in Article 3 of Chapter 143 of the General Statutes and the
36 Department of Transportation shall review and revise its bid procedures and
37 specifications set forth in Article 2 of Chapter 136 of the General Statutes to encourage
38 the purchase or use of reusable, refillable, repairable, more durable, and less toxic
39 supplies and products.

40 (1) The Department of Administration shall require the procurement of
41 such supplies and products to the extent that the purchase or use is
42 practicable and cost-effective. The Department of Administration shall

1 require the purchase or use of remanufactured toner cartridges for laser
2 printers to the extent practicable.

3 (2) The Department of Transportation shall require the purchase or use of
4 such supplies and products in the construction and maintenance of
5 highways and bridges to the extent that the purchase or use is
6 practicable and cost-effective.

7 (3) The Department of Administration and the Department of
8 Transportation shall each ~~prepare an annual report by October 1 of~~
9 ~~each year to the Environmental Review Commission provide by 1~~
10 October of each year to the Department of Environment and Natural
11 Resources a detailed description of the respective Agency's concerning
12 ~~the~~ review and revision of bid procedures and ~~the~~ purchase and use of
13 reusable, refillable, repairable, more durable, and less toxic supplies
14 and products. The information provided by the Department of
15 Administration and the Department of Transportation to the
16 Department of Environment and Natural Resources shall also be
17 included in the report required by G.S. 130A-309.06(c)."

18 **SECTION 3.4.** G.S. 130A-309.63(e) reads as rewritten:

19 "(e) ~~Reports-Reporting.~~ – The Department shall ~~report annually on the Scrap Tire~~
20 ~~Disposal Account to the Environmental Review Commission. The report shall be~~
21 ~~submitted by 1 October of each year for the fiscal year ending the preceding 30 June.~~
22 The report shall show include in the report to be delivered to the Environmental Review
23 Commission on or before 15 January of each year pursuant to G.S. 130A-309.06(c) a
24 description of the implementation of the North Carolina Scrap Tire Disposal Act for the
25 fiscal year ending the preceding 30 June. The description of the implementation of the
26 North Carolina Scrap Tire Disposal Act shall include the beginning and ending balances
27 in the Account for the reporting period, the amount credited to the Account during the
28 reporting period, and the amount of revenue used for grants and to clean up nuisance
29 tire collection sites."

30 **SECTION 3.5.** G.S. 130A-309.85 reads as rewritten:

31 "**§ 130A-309.85. ~~Department to submit annual report~~ Reporting on the**
32 **management of white goods.**

33 The Department shall ~~report annually to the Environmental Review Commission and~~
34 ~~to the Revenue Laws Study Committee concerning the management of white goods.~~
35 ~~The report shall be submitted by February 1 of each year for the fiscal year ending on~~
36 ~~the preceding June 30. The report shall include in the report to be delivered to the~~
37 Environmental Review Commission on or before 15 January of each year pursuant to
38 G.S. 130A-309.06(c) a description of the management of white goods in the State for
39 the fiscal year ending the preceding 30 June. The description of the management of
40 white goods shall include the following information:

41 (1) The amount of taxes collected and distributed under G.S. 105-187.24
42 during the period covered by the report.

- 1 (2) The cost to each county of managing white goods during the period
2 covered by the report.
- 3 (3) The beginning and ending balances of the White Goods Management
4 Account for the period covered by the report and a list of grants made
5 from the Account for the period.
- 6 (4) Any other information the Department considers helpful in
7 understanding the problem of managing white goods.
- 8 (5) A summary of the information concerning the counties' white goods
9 management programs contained in the counties' Annual Financial
10 Information Report."

11 **SECTION 3.6.** G.S. 136-28.8 reads as rewritten:

12 "(g) On or before October 1 of each year, the Department shall report to the
13 Division of Pollution Prevention and Environmental Assistance of the Department of
14 Environment and Natural Resources as to the amounts and types of recycled materials
15 that were specified or used in contracts that were entered into during the previous fiscal
16 year. On or before December 1 of each year, the Division of Pollution Prevention and
17 Environmental Assistance shall prepare a summary of this report and submit the
18 summary to the Joint Legislative Commission on Governmental ~~Operations~~, ~~the Joint~~
19 ~~Legislative Transportation Oversight Committee~~, and ~~the Environmental Review~~
20 ~~Commission~~. Operations and the Joint Legislative Transportation Oversight Committee.
21 The summary of this report shall also be included in the report required by G.S.
22 130A-309.06(c)."

23 **SECTION 3.7.** G.S. 143-58.2(f) reads as rewritten:

24 "(f) On or before October 1 of each year, each State department, institution,
25 agency, community college, and local school administrative unit authorized to purchase
26 materials and supplies shall report to the Division of Pollution Prevention and
27 Environmental Assistance of the Department of Environment and Natural Resources,
28 the amounts and types of materials and supplies with recycled content that were
29 purchased during the previous fiscal year and its progress toward reaching the goals
30 under G.S. 143-58.3. On or before December 1 of each year, the Division of Pollution
31 Prevention and Environmental Assistance shall prepare a summary of these reports and
32 submit the summary to the Joint Legislative Commission on Governmental ~~Operations~~
33 ~~and the Environmental Review Commission~~. Operations. The summary of these reports
34 shall also be included in the report required by G.S. 130A-309.06(c)."

35 **PART IV. EFFECTIVE DATE.**

36 **SECTION 4.1.** This act is effective when it becomes law.