

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

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SENATE BILL 434  
Agriculture/Environment/Natural Resources Committee Substitute Adopted 4/21/17  
Rules and Operations of the Senate Committee Substitute Adopted 4/24/17  
Fourth Edition Engrossed 4/24/17

Short Title: Amend Environmental Laws 2.

(Public)

Sponsors:

Referred to:

March 29, 2017

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES  
3 LAWS.

4 The General Assembly of North Carolina enacts:

5  
6 **REPEAL YARD WASTE PERMITTING REQUIREMENTS**

7 **SECTION 1.(a)** G.S. 130A-290(a) reads as rewritten:

8 **"§ 130A-290. Definitions.**

9 (a) Unless a different meaning is required by the context, the following definitions shall  
10 apply throughout this Article:

11 ...

12 (45) "Yard trash" means solid waste ~~consisting solely of vegetative matter~~  
13 resulting from landscaping ~~maintenance and yard maintenance, including~~  
14 brush, grass, tree limbs, and similar vegetative material.

15 (46) "Yard waste" means yard trash and land-clearing debris, including stumps,  
16 limbs, leaves, grass, and untreated wood."

17 **SECTION 1.(b)** G.S. 130A-294 is amended by adding a new subsection to read:

18 "(v) Yard waste diverted from the waste stream or collected as source separated material  
19 is not subject to a solid waste permit for transfer, treatment, processing, storage, or disposal in a  
20 permitted solid waste management facility. Operators of facilities where yard waste is subject  
21 to transfer, treatment, processing, storage, or disposal shall, however, comply with all other  
22 federal, State, or local laws, ordinances, rules, regulations, or orders, including zoning, flood  
23 plain, and wetland restrictions, sedimentation and erosion control requirements, and mining  
24 regulations. Nothing in this subsection shall be construed as limiting the authority of any local  
25 government to manage the transfer, treatment, processing, storage, or disposal of yard waste."

26 **SECTION 1.(c)** This section becomes effective July 1, 2017, and applies to the  
27 transfer, treatment, processing, storage, or disposal of yard waste occurring on or after that  
28 date.

29  
30 **REPEAL PLASTIC BAG BAN**

31 **SECTION 1.1.(a)** Part 2G of Article 9 of Chapter 130A of the General Statutes is  
32 repealed.

33 **SECTION 1.1.(b)** G.S. 130A-22(a) reads as rewritten:



1       "(a) The Secretary of Environmental Quality may impose an administrative penalty on a  
2 person who violates Article 9 of this Chapter, rules adopted by the Commission pursuant to  
3 Article 9, or any term or condition of a permit or order issued under Article 9. Each day of a  
4 continuing violation shall constitute a separate violation. The penalty shall not exceed fifteen  
5 thousand dollars (\$15,000) per day in the case of a violation involving nonhazardous waste.  
6 The penalty shall not exceed thirty-two thousand five hundred dollars (\$32,500) per day in the  
7 case of a first violation involving hazardous waste as defined in G.S. 130A-290 or involving  
8 the disposal of medical waste as defined in G.S. 130A-290 in or upon water in a manner that  
9 results in medical waste entering waters or lands of the State; and shall not exceed fifty  
10 thousand dollars (\$50,000) per day for a second or further violation involving the disposal of  
11 medical waste as defined in G.S. 130A-290 in or upon water in a manner that results in medical  
12 waste entering waters or lands of the State. The penalty shall not exceed thirty-two thousand  
13 five hundred dollars (\$32,500) per day for a violation involving a voluntary remedial action  
14 implemented pursuant to G.S. 130A-310.9(c) or a violation of the rules adopted pursuant to  
15 G.S. 130A-310.12(b). ~~The penalty shall not exceed one hundred dollars (\$100.00) for a first  
16 violation; two hundred dollars (\$200.00) for a second violation within any 12-month period;  
17 and five hundred dollars (\$500.00) for each additional violation within any 12-month period for  
18 any violation of Part 2G of Article 9 of this Chapter.~~ For violations of Part 7 of Article 9 of this  
19 Chapter and G.S. 130A-309.10(m): (i) a warning shall be issued for a first violation; (ii) the  
20 penalty shall not exceed two hundred dollars (\$200.00) for a second violation; and (iii) the  
21 penalty shall not exceed five hundred dollars (\$500.00) for subsequent violations. If a person  
22 fails to pay a civil penalty within 60 days after the final agency decision or court order has been  
23 served on the violator, the Secretary of Environmental Quality shall request the Attorney  
24 General to institute a civil action in the superior court of any county in which the violator  
25 resides or has his or its principal place of business to recover the amount of the assessment.  
26 Such civil actions must be filed within three years of the date the final agency decision or court  
27 order was served on the violator."

28           **SECTION 1.1.(c)** Section 13.10(c) of S.L. 2010-31 is repealed.

29           **SECTION 1.1.(d)** This section becomes effective July 1, 2017.

## 30 31 **LOCAL GOVERNMENT RIPARIAN BUFFER UNIFORMITY**

32           **SECTION 2.(a)** The General Assembly finds the following:

- 33           (1) The State has declared certain water bodies to be nutrient-sensitive due to  
34 the high levels of nitrogen, phosphorus, sediment, or any combination of  
35 those pollutants.
- 36           (2) As a means for reducing the amount of nitrogen, phosphorous, and sediment  
37 that enters these nutrient-sensitive surface waters, the State has initiated a  
38 program to maintain existing riparian buffers that is a part of a complete and  
39 integrated regulatory scheme for the protection and improvement of water  
40 quality that may be delegated for enforcement to qualifying units of local  
41 government.
- 42           (3) When the enforcement of the buffer program is delegated to qualifying units  
43 of local government, those units of local government should apply riparian  
44 buffer standards that do not exceed established State or federal standards in  
45 order to assure uniformity of regulation throughout the State.

46           **SECTION 2.(b)** G.S. 143-214.23A reads as rewritten:

### 47 **"§ 143-214.23A. Limitations on local government riparian buffer requirements.**

48           (a) As used in this section:

- 49           (1) "Local government ~~ordinance~~"-action" means any action by a local  
50 government carrying the effect of law approved before or after October 1,  
51 2015, whether by ~~ordinance~~, ordinance, including, but not limited to, zoning,

1 subdivision control, flood control, or water supply watershed protection  
2 ordinances, comprehensive plan, policy, resolution, condition of approval  
3 imposed on an applicant for approval of a development plan, or special or  
4 conditional permit, or other measure.

5 (2) "Protection of water quality" means nutrient removal, pollutant removal,  
6 stream bank protection, or protection of an endangered species as required  
7 by federal law.

8 (3) "Riparian buffer area" means an area subject to a riparian buffer  
9 requirement.

10 (4) "Riparian buffer requirement" means a landward setback from surface  
11 ~~waters.~~water bodies or any other hydrologic bodies to which a riparian  
12 buffer may be applied.

13 (a1) The provisions of this section apply to all enacted or proposed local government  
14 actions that include or impose riparian buffer requirements violating subsection (b) of this  
15 section, even if the local government action has been approved by the Commission, the  
16 Department, or other State agency.

17 (b) Except as provided in this section, a local government may not enact, implement, or  
18 enforce a local government ~~ordinance~~action or apply for or renew a permit issued by any State  
19 or federal agency that requires a local government action that establishes a riparian buffer  
20 requirement that exceeds ~~riparian buffer requirements necessary to comply with or implement~~  
21 ~~federal or State law or a condition of a permit, certificate, or other approval issued by a federal~~  
22 ~~or State agency.~~riparian buffer requirements directly imposed by State or federal law. This  
23 subsection shall not apply to a permit required by a federal agency as a condition of federal  
24 funding or of federal approval for a project initiated prior to the effective date of this section.

25 (c) Subsection (b) of this section shall not apply to any local government ~~ordinance~~  
26 action that establishes a riparian buffer requirement enacted prior to August 1, 1997, if (i) the  
27 ~~ordinance~~action included findings that the requirement was imposed for purposes that include  
28 the protection of aesthetics, fish and wildlife habitat, and recreational use by maintaining water  
29 temperature, healthy tree canopy and understory, and the protection of the natural shoreline  
30 through minimization of erosion and potential chemical pollution in addition to the protection  
31 of water quality and the prevention of excess nutrient runoff, and (ii) the ~~ordinance~~action  
32 would permit small or temporary structures within 50 feet of the water body and docks and  
33 piers within and along the edge of the water body under certain circumstances.

34 (d) ~~A local government may request from the Commission the authority to enact,~~  
35 ~~implement, and enforce a local government ordinance that establishes a riparian buffer~~  
36 ~~requirement for the protection of water quality that exceeds riparian buffer requirements for the~~  
37 ~~protection of water quality necessary to comply with or implement federal or State law or a~~  
38 ~~condition of a permit, certificate, or other approval issued by a federal or State agency. To do~~  
39 ~~so, a local government shall submit to the Commission an application requesting this authority~~  
40 ~~that includes the local government ordinance, including the riparian buffer requirement for the~~  
41 ~~protection of water quality, scientific studies of the local environmental and physical conditions~~  
42 ~~that support the necessity of the riparian buffer requirement for the protection of water quality,~~  
43 ~~and any other information requested by the Commission. Within 90 days after the Commission~~  
44 ~~receives a complete application, the Commission shall review the application and notify the~~  
45 ~~local government whether the application has been approved, approved with modifications, or~~  
46 ~~disapproved. The Commission shall not approve a local government ordinance that establishes~~  
47 ~~a riparian buffer requirement for the protection of water quality unless the Commission finds~~  
48 ~~that the scientific evidence presented by the local government supports the necessity of the~~  
49 ~~riparian buffer requirement for the protection of water quality.~~

50 (d1) Local government actions violating subsection (b) of this section that are required  
51 by a permit issued by a State or federal agency, including, but not limited to, an NPDES or a

1 permit condition imposed to meet a TMDL, shall remain in place and may be enforced until the  
2 permit upon which they are based expires. Upon the expiration of the permit that is the basis for  
3 an existing local government action violating subsection (b) of this section, the existing local  
4 government action shall be unenforceable.

5 ...."

6 **SECTION 2.(c)** This section is effective when this act becomes law.

7  
8 **AMEND THE RULE FOR PROTECTION OF EXISTING BUFFERS TO EXEMPT**  
9 **CERTAIN APPLICABILITY REQUIREMENTS FOR PUBLIC SAFETY**

10 **SECTION 2.1.(a)** Definitions. – "Protection of Existing Buffers Rule" means 15A  
11 NCAC 02B .0267 (Jordan Water Supply Nutrient Strategy: Protection of Existing Riparian  
12 Buffers) for purposes of this section and its implementation.

13 **SECTION 2.1.(b)** Protection of Existing Buffers Rule. – Until the effective date of  
14 the revised permanent rule that the Environmental Management Commission is required to  
15 adopt pursuant to subsection (d) of this section, the Commission and the Department of  
16 Environmental Quality shall implement the Protection of Existing Buffers Rule, as provided in  
17 subsection (c) of this section.

18 **SECTION 2.1.(c)** Implementation. – The Commission shall exempt from the  
19 applicability requirements of the Protection of Existing Buffers Rule any publicly owned  
20 spaces where it has been determined by the head of the local law enforcement agency with  
21 jurisdiction over that area that the buffers pose a risk to public safety.

22 **SECTION 2.1.(d)** Additional Rule-Making Authority. – The Commission shall  
23 adopt a rule to amend the Protection of Existing Buffers Rule consistent with subsection (c) of  
24 this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission, pursuant  
25 to this section, shall be substantively identical to the provisions of subsection (c) of this section.  
26 Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B  
27 of the General Statutes. Rules adopted pursuant to this section shall become effective as  
28 provided in G.S. 150B-21.3(b1) as though 10 or more written objections had been received as  
29 provided by G.S. 150B-21.3(b2).

30 **SECTION 2.1.(e)** Sunset. – This section expires when permanent rules adopted as  
31 required by subsection (d) of this section become effective.

32  
33 **SHELLFISH ENTERPRISE AREAS**

34 **SECTION 3.(a)** G.S. 113-201 is amended by adding a new subsection to read:

35 "(d) The Marine Fisheries Commission may adopt rules to establish Shellfish  
36 Aquaculture Enterprise Areas to facilitate shellfish aquaculture opportunities through advanced  
37 siting and preapprovals from relevant federal and State agencies. The Secretary shall only issue  
38 nontransferrable leases within designated Shellfish Aquaculture Enterprise Areas. Any leased  
39 parcel within a Shellfish Aquaculture Enterprise Area that is relinquished or terminated shall  
40 revert to the State and be made available to other applicants."

41 **SECTION 3.(b)** G.S. 113-201.1 is amended by adding a new subdivision to read:

42 "(3a) "Shellfish Aquaculture Enterprise Area" means an area designated and  
43 permitted by the Department that is subdivided into parcels and made  
44 available for shellfish aquaculture leasing."

45  
46 **MARINE FISHERIES CLARIFYING CHANGES**

47 **SECTION 4.(a)** G.S. 113-203 reads as rewritten:

48 **"§ 113-203. Transplanting of oysters and clams.**

49 ...

50 (a2) It is unlawful to do any of the following:

- 1 (1) Transplant oysters or clams taken from public grounds to private beds except  
2 when lawfully taken during open season and transported directly to a private  
3 bed in accordance with rules of the Marine Fisheries Commission.
- 4 (2) Transplant oysters or clams taken from permitted aquaculture operations to  
5 private beds except from waters in the approved classification.
- 6 (3) Transplant oysters or clams from public grounds or permitted aquaculture  
7 operations utilizing waters in the prohibited, restricted or conditionally  
8 approved classification to private beds except when the transplanting is done  
9 in accordance with the provisions of this section and implementing rules.
- 10 (a3) ~~It~~ Unless the Secretary determines that the nursery of shellfish in an area will  
11 present a risk to public health, it is lawful to transplant seed oysters or seed clams taken from  
12 permitted aquaculture operations that use waters in the prohibited, restricted or conditionally  
13 approved classification to private beds pursuant to an Aquaculture Seed Transplant Permit  
14 issued by the Secretary that sets times during which transplant is permissible and other  
15 reasonable restrictions imposed by the Secretary under either of the following circumstances:
- 16 (1) When transplanting seed clams less than 12 millimeters in their largest  
17 dimension.
- 18 (2) When transplanting seed oysters less than 25 millimeters in their largest  
19 dimension.

20 ...."

21 **SECTION 4.(b)** G.S. 113-168.4(b) reads as rewritten:

22 "(b) Except as otherwise provided in this section, it is unlawful for any person licensed  
23 under this Article to sell fish taken outside the territorial waters of the State or to sell fish taken  
24 from coastal fishing waters. A person licensed under this Article may sell fish taken outside the  
25 territorial waters of the State or sell fish taken from coastal fishing waters under any of the  
26 following circumstances:

- 27 (1) The sale is to a fish dealer licensed under G.S. 113-169.3.
- 28 (2) The sale is to the public and the seller is a licensed fish dealer under  
29 G.S. 113-169.3.
- 30 (3) The sale is of ~~oysters or clams from~~ fish reared in a hatchery or aquaculture  
31 operation to the holder of an Aquaculture Operation Permit, an Under Dock  
32 Culture Permit, or a shellfish cultivation lease for further grow out."

#### 33

#### 34 **RIVER HERRING FISHERIES MANAGEMENT**

35 **SECTION 5.** The Division of Marine Fisheries shall review its Fishery  
36 Management Plan for river herring (blueback herring, *Alosa aestivalis*, and alewife, *Alosa*  
37 *pseudoharengus*) and report no later than December 15, 2017, to the Joint Legislative Oversight  
38 Committee on Agriculture and Natural and Economic Resources regarding the continuing  
39 validity and scientific basis for the continued status of both species as "overfished." If the  
40 Division does not have an adequate scientific basis to review the status of both species, then the  
41 report should include cost estimates for the restoration of spawning and nursery area surveys  
42 and age composition work for all coastal streams within the State that historically contained  
43 significant river herring fisheries.

#### 44

#### 45 **STATE PARTICIPATION IN SITING OF ATLANTIC INTRACOASTAL**

#### 46 **WATERWAY DREDGED MATERIAL DISPOSAL EASEMENTS**

47 **SECTION 6.(a)** The Division of Coastal Management of the Department of  
48 Environmental Quality and the State Property Office are authorized to negotiate with  
49 appropriate agencies of the federal government an agreement for the State to assume  
50 responsibility for acquiring dredged material easement sites appropriate for maintenance  
51 dredging of the Atlantic Intracoastal Waterway between Beaufort Inlet and the border with the

1 Commonwealth of Virginia in exchange for the reduction in size and possible change in  
2 location of dredged material disposal easement sites currently held by the federal government.  
3 The agreement shall provide for the federal government to relinquish certain dredged material  
4 disposal easements that are excess to maintenance project needs in exchange for the acquisition  
5 and furnishing to the federal government other easements that are sited and permitted by the  
6 Division of Coastal Management and acquired by the State Property Office under its powers of  
7 condemnation or otherwise using such funds as may be appropriated by the General Assembly  
8 from the Shallow Draft Navigation Channel Dredging and Aquatic Weed Fund established  
9 under Part 8B of Article 21 of Chapter 143 of the General Statutes for that purpose.

10 **SECTION 6.(b)** G.S. 143-215.73F(b) is amended by adding a new subdivision to  
11 read:

12 "(4) To provide funding for siting and acquisition of dredged disposal easement  
13 sites associated with the maintenance of the Atlantic Intracoastal Waterway  
14 north of Beaufort Inlet and south of the border with the Commonwealth of  
15 Virginia, under a Memorandum of Agreement between the State and the  
16 federal government."

### 17

### 18 ENERGY POLICY COUNCIL CLARIFICATION

19 **SECTION 7.** G.S. 113B-4(a) reads as rewritten:

20 "(a) The Lieutenant Governor or the Lieutenant Governor's designee shall serve as chair  
21 of the Council."  
22

### 23 NUTRIENT MANAGEMENT REGULATORY FRAMEWORK REVISIONS

24 **SECTION 7.1.(a)** Section 14.13(c)(2) of S.L. 2016-94 reads as rewritten:

25 "(2) With respect to Falls Lake, the final results of its study and  
26 recommendations for further action (including any statutory or regulatory  
27 changes necessary to implement the recommendations) no later than  
28 December 31, ~~2021~~, 2023, with interim updates no later than December 31,  
29 2019, and December 31, ~~2020~~ 2021."

30 **SECTION 7.1.(b)** Section 14.13(d) of S.L. 2016-94 reads as rewritten:

31 **"SECTION 14.13.(d)** As part of the periodic review and readoption of rules required by  
32 G.S. 150B-21.3A, the Environmental Management Commission shall, based on the study  
33 required by subsection (c) of this section and any monitoring or modeling study conducted  
34 pursuant to existing regulations as defined in this section, review the following Nutrient  
35 Strategies:

- 36 (1) The Falls Water Supply Nutrient Strategy, 15A NCAC 2B .0275 through  
37 .0282 and .0315.  
38 (2) The Jordan Lake Water Supply Nutrient Strategy, 15A NCAC 2B .0263  
39 through .0273 and .0311.  
40 (3) Any changes to these regulations imposed by acts of the General Assembly.

41 The schedule set forth in this subsection shall modify the review and readoption schedule  
42 set by the Rules Review Commission under G.S. 150B-21.3A to the extent the schedules  
43 conflict. No later than December 31, 2016, the Department of Environmental Quality shall  
44 report to the Environmental Review Commission a list of any other rules and any acts of the  
45 General Assembly changing the rules identified in this subsection, and the Environmental  
46 Management Commission's review shall include the rules identified in this section and in that  
47 report. As part of its rule review process, the Environmental Management Commission shall (i)  
48 hold public hearings in the upstream and downstream portions of the Falls Lake and Jordan  
49 Lake river basins and subbasins and (ii) no later than December 31, 2016, convene a  
50 stakeholder working group that represents all classes of users and all geographic parts of the  
51 impacted river basins and subbasins and that will provide input to the Environmental

1 Management Commission regarding the revision to the Nutrient Strategies. The Environmental  
2 Management Commission shall ~~issue recommendations for revisions of the Nutrient Strategies~~  
3 ~~based on its review and begin rule readoption required by G.S. 150B-21.3A no later than March~~  
4 ~~15, 2019.~~ begin rule readoption for the Jordan Lake Water Supply Nutrient Strategy no later  
5 than six months after it receives the completed study and final recommendations prepared in  
6 response to subsection (c) of this section. The Environmental Management Commission shall  
7 begin rule readoption for the Falls Water Supply Nutrient Strategy on the earlier of the  
8 following: (i) upon receipt of the completed study and final recommendations prepared in  
9 response to subsection (c) of this section and any monitoring or modeling study conducted  
10 pursuant to existing regulations for nutrient management in Falls Lake or (ii) December 31,  
11 2024. For purposes of the G.S. 150B-21.3A readoption process, the Nutrient Strategies shall be  
12 considered "necessary with substantive public interest."

13 **SECTION 7.1.(c)** Section 14.13(h) of S.L. 2016-94 reads as rewritten:

14 **"SECTION 14.13.(h)** The rules described below shall not take effect and are subject to the  
15 review and readoption required by subsection (d) of this section:

- 16 (1) With respect to the Jordan Lake rules, as defined by subdivisions (2) and (3)  
17 of subsection (d) of this section, any rules with effective dates between the  
18 effective date of this act and October 15, 2019.
- 19 (2) With respect to the Falls Lake rules, as defined by subdivisions (1) and (3)  
20 of subsection (d) of this section, any rules with effective dates between the  
21 effective date of this act and October 15, ~~2022~~2022, provided that  
22 provisions of the Falls Lake rules which establish Stage I reduction actions  
23 and goals shall remain in effect until the Falls Lake rules, as modified under  
24 subsection (d) of this section, become effective. The due dates for reduction  
25 actions and goals set to be completed by December 31, 2020, and the  
26 reduction actions and goals identified as Stage II in the Falls Lake rules are  
27 delayed until the Falls Lake rules, as modified under subsection (d) of this  
28 section, become effective."

## 30 REPEAL CATAWBA BUFFER RULES

31 **SECTION 7.2.(a)** Section 7.1 of S.L. 1999-329 reads as rewritten:

32 "Section 7.1. Notwithstanding G.S. 150B-21.1(a)(2) and Section 8.6 of S.L. 1997-458, the  
33 Environmental Management Commission may adopt temporary rules as provided in this  
34 section to protect water quality standards and uses as required to implement basinwide water  
35 quality management plans for the ~~Cape Fear, Catawba, Cape Fear~~ and Tar-Pamlico River  
36 Basins pursuant to G.S. 143-214.1, 143-214.7, 143-215.3, and 143B-282. Prior to the adoption  
37 of a temporary rule under this subsection, the Commission shall:

- 38 (1) Consult with persons who may be interested in the subject matter of the  
39 temporary rule during the development of the text of the proposed temporary  
40 rule.
- 41 (2) Publish a notice of intent to adopt a temporary rule in the North Carolina  
42 Register. The notice shall set out the text of the proposed temporary rule and  
43 include the name of the person to whom questions and written comment on  
44 the proposed rule may be submitted. The Commission shall accept written  
45 comment on the proposed temporary rule for at least 30 days after the notice  
46 of intent to adopt the temporary rule is published in the North Carolina  
47 Register.
- 48 (3) Hold a public hearing on the proposed temporary rule in the river basin to  
49 which the proposed temporary rule applies."

1           **SECTION 7.2.(b)** The Environmental Management Commission shall repeal 15A  
2 NCAC 02B .0243 (Catawba River Basin: Protection and Maintenance of Existing Riparian  
3 Buffers) on or before July 1, 2018.

4  
5 **COASTAL STORMWATER PROGRAM VARIANCE**

6           **SECTION 7.3.(a)** Notwithstanding S.L. 2008-211 and rules adopted to implement  
7 the act, any subdivision meeting all of the following requirements shall be deemed to be in  
8 compliance with the impervious surface limitations of the act and its implementing rules:

- 9           (1) The subdivision's original declaration of covenants was recorded at least 20  
10 years prior to the effective date of this act.  
11           (2) The original developer of the subdivision is financially insolvent.  
12           (3) The original developer of the subdivision transferred the stormwater permit  
13 to the homeowners association for the subdivision and, at the time of the  
14 transfer, the homeowners association had no notice from the original  
15 developer or any regulatory agency that the subdivision was not in  
16 compliance with the impervious surface limitations.

17           **SECTION 7.3.(b)** Section 7.3(a) of this act applies only to impervious surface built  
18 prior to January 1, 2017. Any impervious surface built on or after January 1, 2017, shall be  
19 subject to S.L. 2008-211 and its implementing rules.

20  
21 **GENERAL PROVISIONS**

22           **SECTION 8.(a)** If any section or provision of this act is declared unconstitutional  
23 or invalid by the courts, it does not affect the validity of this act as a whole or any part other  
24 than the part declared to be unconstitutional or invalid.

25           **SECTION 8.(b)** Except as otherwise provided, this act is effective when it  
26 becomes law.