

## **Chapter 113.**

### **Conservation and Development.**

#### **SUBCHAPTER I. GENERAL PROVISIONS.**

##### **Article 1.**

Powers and Duties of Department of Environmental Quality Generally.

#### **§ 113-1. Meaning of terms.**

In this Article, unless the context otherwise requires, the expression "Department" means the Department of Environmental Quality; "Secretary" means the Secretary of Environmental Quality. (1925, c. 122, s. 3; 1973, c. 1262, ss. 28, 86; 1977, c. 771, s. 4; 1989, c. 727, s. 218(47); 1997-443, s. 11A.119(a); 2015-241, ss. 14.30(u), (v).)

#### **§ 113-2. Repealed by Session Laws 1973, c. 1262, s. 28.**

#### **§ 113-3. Duties of the Department.**

(a) It shall be the duty of the Department, by investigation, recommendation and publication, to aid:

- (1) In the promotion of the conservation and development of the natural resources of the State;
- (2) In promoting a more profitable use of lands and forests;
- (3) Repealed by Session Laws 1977, c. 198, s. 15; c. 771, s. 7;
- (4) In coordinating existing scientific investigations and other related agencies in formulating and promoting sound policies of conservation and development; and
- (5) Repealed by Session Laws 1977, c. 771, s. 7.

(b) Repealed by Session Laws 1959, c. 779, s. 3. (1925, c. 122, s. 4; 1957, c. 753, s. 3; c. 1424, s. 1; 1959, c. 779, s. 3; 1977, c. 198, s. 15; c. 771, s. 7.)

#### **§§ 113-4 through 113-7. Repealed by Session Laws 1973, c. 1262, s. 28.**

#### **§ 113-8. Powers and duties of the Department.**

The Department shall make investigations of the natural resources of the State, and take such measures as it may deem best suited to promote the conservation and development of such resources.

It shall have the protection of lands and water supplies; it shall also have the care of recreational areas now owned or to be acquired by the State, including the lakes referred to in G.S. 146-7.

It shall make such examination, survey and mapping of the geology, mineralogy and topography of the State, including their industrial and economic utilization, as it may consider necessary; make investigations of water supplies and water powers, prepare and maintain a general inventory of the water resources of the State, and take such measures as it may consider necessary to promote their development.

It shall have the duty of enforcing all laws relating to the conservation of marine and estuarine resources.

The Department may take such other measures as it may deem advisable to obtain and make public a more complete knowledge of the State and its resources, and it is authorized to cooperate with other departments and agencies of the State in obtaining and making public such information.

The Department may acquire such real and personal property as may be found desirable and necessary for the performance of the duties and functions of the Department and pay for same out of any funds appropriated for the Department or available unappropriated revenues of the Department, when such acquisition is approved by the Governor and Council of State. The title to any real estate acquired shall be in the name of the State of North Carolina for the use and benefit of the Department. (1925, c. 122, s. 9; 1927, c. 57; 1947, c. 118; 1957, c. 753, s. 4; c. 1424, s. 2; 1965, c. 957, s. 11; 1973, c. 1262, ss. 28, 86; 1977, c. 198, ss. 16, 17; c. 771, s. 4; 1989, c. 727, s. 33; 2011-145, s. 13.25(j); 2015-241, s. 14.30(nn).)

**§ 113-8.01. Pollution Prevention Pays Programs.**

There is established within the Department a non-regulatory technical assistance program to be known as the Pollution Prevention Pays Program. The purpose of this program is to encourage voluntary waste and pollution reduction efforts through research and by providing information, technical assistance, and matching grants to businesses and industries interested in establishing or enhancing activities to prevent, reduce, or recycle waste. The Pollution Prevention Pays Program shall coordinate its activities with the appropriate regulatory agencies. (1989, c. 168, s. 7; 1993, c. 501, s. 10.)

**§ 113-8.1. Repealed by Session Laws 1959, c. 779, s. 3.**

**§§ 113-9 through 113-13. Repealed by Session Laws 1973, c. 1262, s. 28.**

**§ 113-14. Recodified as § 143B-435 by Session Laws 1977, c. 198, s. 26.**

**§ 113-14.1. Promotion of seashore industry and recreation.**

- (a) Repealed by Session Laws 1973, c. 1262, s. 28.
- (b) The following powers are hereby granted to the Secretary and may be delegated to the administrative head of an existing or new division of the Department as herein authorized:
  - (1) through (3) Repealed by Session Laws 1977, c. 198, s. 18.
  - (4) Study the development of the seacoast areas and implement policies which will promote the development of the coastal area, with particular emphasis upon the development of the scenic and recreational resources of the seacoast;
  - (5) Advise and confer with various interested individuals, organizations and State, federal and local agencies which are interested in development of the seacoast area and use its facilities and efforts in planning, developing and carrying out overall programs for the development of the area as a whole;
  - (6) Act as liaison between agencies of the State, local government, and agencies of the federal government concerned with development of the seacoast region;
  - (7) Repealed by Session Laws 1973, c. 1262, s. 28;
  - (8) Make such reports to the Governor as he may request;
  - (9) File such recommendations or suggestions as it may deem proper with other agencies of the State, local or federal governments.

Provided, however, that the provisions of this section and G.S. 113-14.2 shall not be construed as affecting the authority of the Environmental Management Commission concerning shore-erosion control or prevention, beach protection, or hurricane protection under G.S. 143-355

or any other provision of law. (1969, c. 1143, ss. 2, 3; 1973, c. 1262, s. 28; 1977, c. 198, s. 18, c. 771, s. 4; 1989, c. 727, s. 34.)

**§ 113-14.2. Repealed by Session Laws 1971, c. 882, s. 8.**

**§ 113-14.3. Publications.**

The Department shall publish, from time to time, reports and statements, with illustrations, maps, and other descriptions, which shall adequately set forth the natural and material resources of the State for the purpose of furnishing information to educate the people about the natural and material resources of the State. (1977, c. 771, s. 5; 1989, c. 727, s. 35.)

**§ 113-15. Recodified as § 143B-436 by Session Laws 1977, c. 198, s. 26.**

**§ 113-15.1. Repealed by Session Laws 1969, c. 1145, s. 4.**

**§ 113-15.2. Recodified as § 143B-437 by Session Laws 1977, c. 198, s. 26.**

**§ 113-16. Cooperation with agencies of the federal government.**

The Department is authorized to arrange for and accept such aid and cooperation from the several United States government bureaus and other sources as may assist in completing topographic surveys and in carrying out the other objects of the Department.

The Department is further authorized and directed to cooperate with the Federal Power Commission in carrying out the rules adopted by that Commission; and to act in behalf of the State in carrying out any rules that may be adopted relating to water powers in this State other than those related to making and regulating rates. The provisions of this section are extended to apply to cooperation with authorized agencies of other states. (1925, c. 122, s. 18; 1929, c. 297, s. 2; 1973, c. 1262, s. 28; 1977, c. 771, s. 4; 1989, c. 727, s. 36.)

**§ 113-17. Agreements, negotiations and conferences with federal government.**

The Department is delegated as the State agency to represent North Carolina in any agreements, negotiations, or conferences with authorized agencies of adjoining or other states, or agencies of the federal government, relating to the joint administration or control over the surface or underground waters passing or flowing from one state to another under the provisions of this section. (1929, c. 297, s. 1; 1973, c. 476, s. 128; c. 1262, s. 86; 1977, c. 771, s. 4; 1989, c. 727, s. 37.)

**§ 113-18. Department authorized to receive funds from Federal Power Commission.**

All sums payable to the State of North Carolina by the Treasurer of the United States of America under the provisions of section 17 and other sections of the Federal Water Power Act shall be paid to the account of the Department as the authorized agent of the State for receipt of said payments. Such sums shall be used by the Department in prosecuting investigations for the utilization and development of the water resources of the State. (1929, c. 288; 1973, c. 1262, s. 86; 1977, c. 771, s. 4; 1989, c. 727, s. 38.)

**§ 113-19. Cooperation with other State departments.**

The Department is authorized to cooperate with the North Carolina Utilities Commission in investigating the waterpowers in the State, and to furnish the Utilities Commission such information as is possible regarding the location of the waterpower sites, developed waterpowers, and such other information as may be desired in regard to waterpower in the State; the Department shall also cooperate as far as possible with the Department of Labor, the State Department of Agriculture and Consumer Services, and other departments and institutions of the State in collecting information in regard to the resources of the State and in preparing the same for publication in such manner as may best advance the welfare and improvement of the State. (1925, c. 122, s. 16; 1927, c. 57, s. 1; 1931, c. 312; 1933, c. 134, s. 8; 1973, c. 1262, s. 28; 1977, c. 771, s. 4; 1989, c. 727, s. 39; 1997-261, s. 109.)

**§ 113-20. Cooperation with counties and municipal corporations.**

The Department is authorized to cooperate with the counties of the State in any surveys to ascertain the natural resources of the county; and with the governing bodies of cities and towns, with boards of trade and other like civic organizations, in examining and locating water supplies and in advising and recommending plans for other municipal improvements and enterprises. Such cooperation is to be conducted upon such terms as the Department may direct. (1925, c. 122, s. 17; 1973, c. 1262, s. 28; 1977, c. 771, s. 4; 1989, c. 727, s. 40.)

**§ 113-21. Cooperation of counties with State in making water resource survey.**

The board of county commissioners of any county of North Carolina is authorized and empowered, in their discretion, to cooperate with the Department or other association, organization, or corporation in making surveys of any of the natural resources of their county, and to appropriate and pay out of the funds under their control such proportional part of the cost of such survey as they may deem proper and just. (1921, c. 208; 1925, c. 122, s. 4; 1973, c. 1262, s. 86; 1977, c. 771, s. 4; 1989, c. 727, s. 41.)

**§ 113-22: Repealed by Session Laws 2011-145, s. 13.25(k), effective July 1, 2011.**

**§ 113-23: Recodified as G.S. 143B-135.43 by Session Laws 2015-241, s. 14.30(e), effective July 1, 2015.**

**§ 113-24. Repealed by Session Laws 1979, c. 830, s. 5.**

**§ 113-25. Notice to Department before beginning business of manufacturing products from mineral resources of State.**

Every person, firm or corporation engaging in the manufacture or production of any product from any natural resources, classified as mineral products, shall before beginning such operation, or if already engaged in such business, within 90 days after March 9, 1927, notify the Department of its intention to begin or continue such business, and also notify said Department of the product or products it intends to produce.

Every person, firm or corporation now engaged or hereafter engaging in the manufacture or production of any product from any natural resources of the State classified as mineral products, shall notify the Department when such person, firm or corporation shall discontinue such manufacture or production.

Any person, firm or corporation failing to comply with the provisions of this section shall be guilty of a Class 3 misdemeanor, and upon conviction shall only be fined not more than twenty-five dollars (\$25.00) and not less than five dollars (\$5.00), in the discretion of the court. (1927, c. 258; 1993, c. 539, s. 828; 1994, Ex. Sess., c. 24, s. 14(c).)

**§ 113-26. Repealed by Session Laws 1959, c. 683, s. 6.**

**§ 113-26.1. Bureau of Mines; mineral museum.**

The Governor and the Council of State are hereby authorized, in their discretion and at such times as the development of the mineral resources and the expansion of mining operations in the State justify and make reasonably necessary, to create and establish as a part of the Department a Bureau of Mines, or a mineral museum in cooperation with the National Park Service, to be located in the western part of the State, with a view to rendering such aid and assistance to mining developments in this State as may be helpful in this expanding industry, and to allocate from the Contingency and Emergency Fund such funds as may reasonably be necessary for the establishment and operation of such Bureau of Mines or mineral museum.

The Department may adopt rules governing the operation of a Bureau of Mines or mineral museum established under this section. (1943, c. 612; 1953, c. 1104, ss. 1-3; 1973, c. 1262, ss. 28, 86; 1977, c. 771, s. 4; 1987, c. 827, s. 89; 1989, c. 727, s. 44.)

**§ 113-27. Repealed by Session Laws 1959, c. 779, s. 3.**

**§ 113-28: Repealed by Session Laws 2010-96, s. 12, effective July 20, 2010.**