

Environment, Natural Resources, and Energy

See full summary documents for additional detail

H44 - Local Government Regulatory Reform 2015, Secs. 13.1 through 13.4: Riparian Buffer Reform (SL 2015-246)

Secs. 13.1 through 13.4 of S.L. 2015-246 amend the laws governing riparian buffers as follows:

- Limit the ability of local governments to enact, implement, and enforce riparian buffers.
- Direct the Environmental Management Commission to examine ways to provide regulatory relief from riparian buffers.
- Amend how riparian buffers for coastal wetlands are measured.
- Direct the Environmental Management Commission to provide for modifications of riparian buffer requirements on a case-by-case basis.

These sections became effective October 1, 2015.

[The remaining sections of S.L. 2015-246 that amend various laws related to local government are summarized in the LOCAL GOVERNMENT chapter.]

H97 - 2015 Appropriations Act, Sec. 14.10: Shellfish Cultivation Leasing Reform (SL 2015-241)

Sec. 14.10 of S.L. 2015-241 amends the statute governing shellfish cultivation leases, to allow the applicant for a lease to delineate the area proposed for leasing using coordinate information provided by a GPS-equipped device. Previously, applicants were required to provide a formal survey of the area proposed for leasing. The provision also extends the initial lease period for a shellfish cultivation lease from 5 to 10 years.

This section became effective July 1, 2015, and applies to shellfish lease applications received by the Department of Environment and Natural Resources on or after September 18, 2015.

H97 - 2015 Appropriations Act, Sec. 14.10A: Simplify Oyster Restoration Project Permitting (SL 2015-241)

Sec. 14.10A of S.L. 2015-241, as amended by Sec. 5.2B of S.L. 2015-268, requires the Marine Fisheries Commission to amend its rules governing Scientific or Educational Activity Permits to allow the Permits to be issued to nongovernmental conservation organizations as well as scientific or educational institutions. The provision also directs the Divisions of Marine Fisheries and Coastal Management of the Department of Environment and Natural Resources to create, with input from nongovernmental organizations involved in oyster restoration, a new permitting process for oyster restoration projects to replace the major development permit under the Coastal Area Management Act currently required for such projects. The Department must report on the new process, including proposed legislation, by May 1, 2016.

This section became effective September 18, 2015.

H97 - 2015 Appropriations Act, Sec. 14.10B: Standard Commercial Fishing License Exemption from Employees of Leaseholder (SL 2015-241)

Sec. 14.10B of S.L. 2015-241 amends the statute governing licenses for the taking of shellfish by North Carolina residents, to provide an exemption from the licensing requirement for the harvest of shellfish in an area leased for the cultivation of shellfish by employees of the leaseholder, so long as the leaseholder holds a valid Standard Commercial Fishing License (SCFL) and the employees provide an authorization letter with the leaseholder's signature and SCFL number.

This section became effective July 1, 2015.

H97 - 2015 Appropriations Act, Sec. 14.10C: Water Column Leasing Clarification (SL 2015-241)

Sec. 14.10C of S.L. 2015-241, as amended by Sec. 5.6 of S.L. 2015-268, amends the statutes governing shellfish cultivation bottom leases and water column leases for aquaculture, to clarify that only a bottom lease is required to place devices or equipment for the cultivation and harvesting of shellfish or other marine resources on the leased bottom, provided that the devices or equipment do not extend more than 18 inches above the bottom. This provision also extends the duration of initial water column aquaculture leases from 5 years to 10 years, in conformity with the similar change for bottom leases enacted in Sec. 14.10 of this act.

This section became effective July 1, 2015.

H97 - 2015 Appropriations Act, Sec. 14.10D: Division of Marine Fisheries Recommendations for Shellfish Aquaculture (SL 2015-241)

Sec. 14.10D of S.L. 2015-241 directs the Division of Marine Fisheries to report to the General Assembly, no later than March 1, 2016, its recommendations for policy and statutory changes necessary for the ecological restoration and economic stability of the shellfish aquaculture industry. The provision includes nine specific issues the Division must cover in its report, ranging from efforts to combat oyster disease to increased use of private oyster hatcheries to further actions to promote cultch planting. The provision also requires the Division to provide opportunities for stakeholders to review and comment on the report prior to its submission to the General Assembly.

This section became effective July 1, 2015.

H97 - 2015 Appropriations Act, Sec. 14.10I: Beach Erosion Study (SL 2015-241)

Sec. 14.10I of S.L. 2015-241 directs the Division of Coastal Management to create a strategy for preventing, mitigating, and remediating the effects of beach erosion, including a review of best practices undertaken by other states and countries. The Division must report its study and proposed strategy to the General Assembly by February 15, 2016.

This section became effective July 1, 2015.

H97 - 2015 Appropriations Act, Sec. 14.11: Dynamic Pricing for State Parks and Attractions (SL 2015-241)

Sec. 14.11 of S.L. 2015-241, as amended by Sec. 5.5 of S.L. 2015-268, makes a variety of changes to the laws governing the charging of admission and other fees by various State attractions managed by the Department of Agriculture and Consumer Services and the Department of Natural and Cultural Resources. This section includes the following provisions:

- Authorization for the Department of Natural and Cultural Resources (DNCR) to establish admission fees and related activity fees using a dynamic pricing strategy for State historic sites and museums administered by the Department of Cultural Resources prior to the reorganization set forth in this Act. With respect to the North Carolina Zoo, State parks, and the North Carolina Aquariums transferred to DNCR, the Department must issue new rules governing admission and other fees using a dynamic pricing strategy. The provision expressly withholds authorization for DNCR to charge new parking fees at these attractions, or to charge an admission fee at any site or facility not already charging an admission fee.
- Authorization for the Department of Agriculture and Consumer Services (DACS) to establish admission fees and related activity fees using a dynamic pricing strategy for State forests. However, the provision expressly withholds authorization for the Department to charge new parking fees at State forests.
- Exemption from rulemaking under the procedures set forth in the Administrative Procedures Act for the setting of operating hours, admission fees or activity fees by the Board of Agriculture, with respect to State forests and by DNCR with respect to the North Carolina Zoo, State parks, the North Carolina Aquariums, and the North Carolina Museum of Natural Sciences (except for a decision to eliminate all public operating hours for those sites and facilities).
- A definition of "dynamic pricing," which includes a goal of maximizing revenues from use of these State resources to the extent practicable to offset State appropriations
- Prohibition on charging admission fees for school groups visiting the North Carolina Zoo, State parks, or the North Carolina Aquariums.
- A report to the General Assembly by the DACS and the DNCR on implementation of the new pricing strategy by March 1, 2016 that also includes an evaluation of charging new entrance or admission fees at attractions where such fees are not already charged.
- A report to the General Assembly by the DNCR regarding the possibility of charging admission fees at the North Carolina Museum of History and the North Carolina Museum of Natural Sciences by April 1, 2016 that also includes the impact on receipts and attendance, the costs to implement a new admissions fee, and a comparison with state-supported museums in other states.

This section became effective July 1, 2015, and applies to admission fees or related activity fees charged on or after September 18, 2015.

H97 - 2015 Appropriations Act, Sec. 14.13: Water Infrastructure Authority Revisions (SL 2015-241)

Sec. 14.13 of S.L. 2015-241 makes a variety of changes to the statutes governing water infrastructure grants and loans administered by the Division of Water Infrastructure (Division) of the Department of Environment and Natural Resources. This section makes the following substantive changes:

- Adds new definitions for "Affordability," "Merger," and "Regionalization." The new affordability definition incorporates existing water and sewer rates, household income and poverty rates, and the community's past expenditures on water infrastructure improvements, compared to the capacity of the community for such improvements.
- Amends the statute "common criteria for loan or grant from Wastewater Reserve or Drinking Water Reserve," to provide more flexibility to the Division in considering the factors listed, and to replace the "high unit cost" factor with an "affordability" factor as defined above.
- Clarifies that the Division is responsible for administering the award of funds to local governments by the State Water Infrastructure Authority from the Community Development Block Grant program.
- Reorganizes the list of project funding options from the Wastewater Reserve and the Drinking Water Reserve. The allowable funding categories include the following five programs:
 - Loan.
 - Project grant. Replaces the former high-unit cost grant, and expanded to include stormwater quality projects as eligible projects for the Wastewater Reserve.
 - Merger/Regionalization feasibility grant. No funding is available in this category for any proposal that would result in a new interbasin water transfer. This is a new category, limited to \$50,000 over any three consecutive fiscal years.
 - Asset inventory and assessment grant. This is a new category, limited to \$150,000 over any three consecutive fiscal years.
 - Emergency loan.
- This section also requires the Division to report to the General Assembly regarding implementation of the new Affordability criteria within 30 days of the Division's adoption of the criteria.

This section became effective July 1, 2015.

H97 - 2015 Appropriations Act, Sec. 14.30: Consolidate All State Attractions within Department of Cultural Resources to Create the Department of Natural and Cultural Resources (SL 2015-241)

Sec. 14.30 of S.L. 2015-241, as amended by Sec. 5.4 of S.L. 2015-268 and Sec. 54 of S.L. 2015-264, reorganizes the Department of Cultural Resources (DCR) and the Department of Environment and Natural Resources (DENR) by transferring the following divisions, programs, councils, and committees from DENR to DCR:

- Division of Parks and Recreation.

- State Parks System.
- North Carolina Aquariums Division.
- North Carolina Zoological Park.
- Museum of Natural Sciences.
- Clean Water Management Trust Fund.
- The Natural Heritage Program within DENR's Office of Land and Water Stewardship.
- North Carolina Parks and Recreation Authority.
- North Carolina Trails Committee.
- North Carolina Zoological Park Council.
- Advisory Committee for the North Carolina State Museum of Natural Sciences.
- Clean Water Management Trust Fund Board of Trustees.

DCR is renamed the Department of Natural and Cultural Resources (DNCR), and DENR is renamed the Department of Environmental Quality (DEQ).

The Secretary of DEQ must inventory and compile all written and stated policies related to the attractions and programs transferred under this section and provide that compilation to the Secretary of DNCR.

The Office of State Budget and Management must make an interim report by January 1, 2016, and a final report by April 1, 2016, to the General Assembly regarding its progress in implementing the reorganization, including the movement of position and funds and suggestions for additional changes needed to statutes amended or recodified by this section.

This section became effective July 1, 2015.

H97 - 2015 Appropriations Act, Sec. 14.31: Study Further Efficiencies in Organization of Department of Natural and Cultural Resources and Department of Environmental Quality (SL 2015-241)

Sec. 14.31 of S.L. 2015-241 directs the Department of Environment and Natural Resources, the Department of Cultural Resources, and the Wildlife Resources Commission to jointly study and report to the General Assembly no later than April 1, 2016, on the potential for efficiency, cost savings, and alignment of core mission and values from transferring the following divisions or programs to the Department of Natural and Cultural Resources:

- Albemarle-Pamlico National Estuary Partnership.
- Coastal Reserves Program.
- Office of Land and Water Stewardship.
- All or a portion of the Office of Environmental Education and Public Affairs.
- Division of Marine Fisheries.
- Wildlife Resources Commission.

This section became effective July 1, 2015.

H97 - 2015 Appropriations Act, Sec. 13.8: Conservation Reserve Enhancement Program Report (SL 2015-241)

Sec. 13.8 of S.L. 2015-241 directs the Department of Agriculture and Consumer Services to assess and report to the General Assembly on the activities of the Conservation Reserve Enhancement Program, including a five-year projection of the program's future funding requirements and an assessment of its effectiveness in reducing nonpoint source pollution in waterways. The Department must submit the report by April 1, 2016.

This section became effective July 1, 2015.

H97 - 2015 Appropriations Act, Sec. 15.24: Create Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources (SL 2015-241)

Sec. 15.24 of S.L. 2015-241 creates a new Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources, codified as Article 36 of Chapter 120 of the General Statutes. The Committee is structured similarly to other existing General Assembly Oversight Committees set out in Chapter 120, and is charged with examining, on a continuing basis, the services provided by the following agencies in order to make ongoing recommendations to the General Assembly on ways to improve the effectiveness, efficiency, and quality of State government services:

- Department of Agriculture and Consumer Services.
- Department of Environmental Quality.
- Department of Natural and Cultural Resources.
- Wildlife Resources Commission.
- Department of Labor.
- Department of Commerce.

The provision also includes a catchall duty giving the Committee oversight over any other agency placed within the jurisdiction of the House and Senate appropriations subcommittees on agriculture, natural, or economic resources.

This section became effective July 1, 2015.

H97 - 2015 Appropriations Act, Sec. 14.5: Environmental Management of Impaired Water Bodies (SL 2015-241)

Sec. 14.5 of S.L. 2015-241 extends the delay in implementation of the Jordan Lake Water Quality Rules by three years, based on a corresponding three year extension in the in-situ mitigation demonstration project ("Solar Bees") in Jordan Lake. This section also enacts the following directives pertaining to environmental management of impaired water bodies:

- Allocates \$1.5 million from the Clean Water Management Trust Fund for the in-situ water mitigation demonstration project extension.

- Directs the Department of Environment and Natural Resources and the Environmental Management Commission to study in situ strategies to determine what strategies are currently available, and the potential efficacy of those strategies in remediating other impaired water bodies and as a component of basinwide water quality management plans. The Department and Commission must report the results of the study to the Environmental Review Commission, the Fiscal Research Division, and the chairs of the Senate and House Appropriations Committees on Agriculture and Natural and Economic Resources by April 1, 2016.

This section became effective July 1, 2015.

H97 - 2015 Appropriations Act, Sec. 14.6.(c)-(g): Deep Draft Navigation Channel Dredging and Maintenance (SL 2015-241)

Subsecs. 14.6(c) through (g) of S.L. 2015-241 enact various provisions regarding the dredging and maintenance of the deep draft navigation channels providing access to the State Ports facilities at Wilmington and Morehead City, as follows:

- Establishes the Deep Draft Navigation Channel Dredging and Maintenance Fund (Fund) to receive State and private funds for completion of projects improving navigational access to State Port facilities. Projects funded from the Fund must include a one to one cost share between State Ports Authority (SPA) and private funding.
- Directs the SPA and the Department of Environment and Natural Resources (DENR) to enter into a Memoranda of Agreement with the United States Army Corps of Engineers to allow for nonfederal funding of dredging and related studies at the State Ports (in the case of SPA) and for Oregon Inlet (in the case of DENR).
- Directs the Department of Administration to initiate negotiations with the federal government for acquisition of federal lands necessary for management of the deep draft navigation channel providing access to State Port facilities at Morehead City.
- Provides that a decision by the Secretary of Environment and Natural Resources to waive or modify the Fund cost-share requirement does not create a contested case subject to administrative review under the Administrative Procedures Act.

These sections became effective July 1, 2015.

H97 - 2015 Appropriations Act, Sec. 14.6.(a): Shallow Draft Fund Revisions (SL 2015-241)

Sec. 14.6.(a) of S.L. 2015-241 amends the statutes pertaining to the Shallow Draft Navigation Channel Dredging and Lake Maintenance Fund (Fund) as follows:

- Allows the Fund to receive monies from non-State sources.
- Eases the cost-share requirement for Fund projects located in areas of the State categorized as development tier one to require only a one to three match.
- Allows non-State entities contributing to the Fund to request return of the contribution if it is not spent or encumbered within two years.
- Adds Hatteras Inlet to the definition of "shallow draft navigation channel" eligible for projects funded by the Fund.

This section became effective July 1, 2015.

H97 - 2015 Appropriations Act, Sec. 14.6.(h): Cape Fear Estuarine Restoration (SL 2015-241)

Sec. 14.6.(h) of S.L. 2015-241 provides that the General Assembly finds that New Inlet Dam (Dam) in the Cape Fear River (known locally as "The Rocks") constructed in the 19th century by the United States Army Corps of Engineers (Army Corps) impedes the natural hydrodynamic flow between the Cape Fear River and the Atlantic Ocean, and that the State should study the removal of the southern component of the Dam in order to reestablish that natural hydrodynamic flow between River and Ocean.

This section also directs the Department of Environment and Natural Resources (DENR) to do all of the following:

- Notify the Army Corps of the State's intent to study the removal of the Dam.
- Issue a Request for Information for a contractor to study the removal, including costs and benefits, permitting requirements, and a removal plan.
- Undertake the process of adjusting the boundaries of the Zeke's Island component of the National Estuarine Research Reserve to exclude the Dam and immediate surrounding area.
- Report regarding implementation of the requirements of this provision to the Environmental Review Commission, the Fiscal Research Division, and the chairs of the Senate and House Appropriations Committees on Agriculture and Natural and Economic Resources by April 1, 2016.

The section also specifies that neither DENR nor any other State agency may proceed with removal of the Dam until expressly authorized to do so by an act of the General Assembly.

This section became effective July 1, 2015.

H97 - 2015 Appropriations Act, Sec. 14.6.(n)-(o): Clarify Coastal County Authority Over Abandoned Vessels (SL 2015-241)

Secs. 14.6.(n) and (o) of S.L. 2015-241 extend the authority over abandoned vessels to all 20 coastal counties covered by the Coastal Area Management Act. This authority had previously been granted to certain coastal counties under various local acts of the General Assembly. The provision also defines an abandoned vessel.

These sections became effective July 1, 2015.

H97 - 2015 Appropriations Act, Sec. 14.6.(p)-(r): Erosion Control Structures (SL 2015-241)

Secs. 14.6.(p) through (r) of S.L. 2015-241 amend the statutes that limit erosion control structures to allow the Coastal Resources Commission to issue additional terminal groin permits for New River Inlet in

Onslow County and Bogue Inlet between Carteret and Onslow Counties, and direct the Commission to amend its rules governing erosion control structures (structures) to provide for all of the following:

- Allow for the temporary placement of the structures on any property experiencing coastal erosion that is adjacent to a property that contains structures.
- Allow for the placement of structures on the entire shoreline boundary of a property without regard to proximity to an imminently threatened structure.
- Adjustment of expiration dates for all structure permits on the same property to the latest termination date of any of the permits.
- The replacement, repair, or modification of damaged structures placed under a currently valid permit or an expired permit being litigated by the property owner.

These sections became effective July 1, 2015.

H97 - 2015 Appropriations Act, Sec. 14.7: Use of Oyster Shells Prohibited in Commercial Landscaping (SL 2015-241)

Sec. 14.7 of S.L. 2015-241 prohibits the use of oyster shells as a ground cover by landscape contractors, and charges the Marine Fisheries Commission with enforcement of the prohibition.

This section became effective October 1, 2015.

H97 - 2015 Appropriations Act, Sec. 14.16B: Noncommercial Tanks - Eliminate Initial Abatement Requirements (SL 2015-241)

Sec. 14.16B of S.L. 2015-241 requires the Department of Environmental Quality ((DEQ), formerly the Department of Environment and Natural Resources) to amend rules governing initial abatement requirements associated with a discharge or release from a noncommercial underground storage tank to:

- Prohibit DEQ from requiring that a responsible party take immediate action or initial abatement actions until such time as DEQ has classified the risk posed by the discharge or release, except for those actions determined by DEQ to be necessary to protect public health, safety, and welfare and the environment, and to mitigate any fire, explosion, or vapor hazard.
- Require DEQ to notify the responsible party that no cleanup, no further cleanup, or no further action will be required by DEQ if the risk posed by a discharge or release from such a tank is determined by DEQ to be low risk, without requiring soil remediation. DEQ may, however, reclassify the risk if it later determines that the discharge or release poses an unacceptable risk or a potentially unacceptable risk to human health or the environment.

This section became effective July 1, 2015.

H97 - 2015 Appropriations Act, Sec. 14.16A: Phaseout of Noncommercial Leaking Underground Storage Tank Fund (SL 2015-241)

Sec. 14.16A of S.L. 2015-241 phases out the Noncommercial Leaking Underground Storage Tank Fund (which has historically reimbursed individuals for reasonable and necessary costs directly related to the cleanup of a petroleum release from noncommercial underground storage tanks), by limiting reimbursement of claims against the Fund to only those claims associated with releases reported to the Department of Environmental Quality ((DEQ), formerly the Department of Environment and Natural Resources) prior to October 1, 2015, and where the claim for compensation is submitted to DEQ prior to July 1, 2016.

The provisions of this section that repeal the statutes associated with the Noncommercial Leaking Underground Storage Tank Fund become effective December 31, 2016, and the remaining provisions became effective July 1, 2015.

H97 - 2015 Appropriations Act, Sec. 14.20: Landfill Changes (SL 2015-241)

Sec. 14.20 of S.L. 2015-241, as amended by Sec. 4.9 of S.L. 2015-286, extends the duration of permits for sanitary landfills and transfer stations to a facility's life-of-site (from the prior law allowing an option for a 5- or 10-year permit), unless revoked as otherwise provided under the statutes governing solid waste management or upon the expiration of any local government franchise required for the facility. The provision defines "life-of-site" to mean the period from the initial receipt of solid waste at the facility until the Department of Environmental Quality (formerly the Department of Environment and Natural Resources) approves final closure of the facility. The section also:

- Modifies the law governing franchise agreements to provide that these agreements must be granted for the life-of-site of the facility (persons who apply for a permit for a sanitary landfill are required to obtain, prior to application, a franchise from each local government having jurisdiction over any part of the land on which the facility is to be located). This provision is applicable to franchise agreements executed on or after October 1, 2015.
- Changes the fee structure applicable to solid waste management facilities.

Except as otherwise provided, this section becomes effective on July 1, 2016, and applies to new and existing facilities on or after that date.

H97 - 2015 Appropriations Act, Sec. 14.26: Reform Civil Penalties Under the Sedimentation Pollution Control Act (SL 2015-241)

Sec. 14.26 of S.L. 2015-241 amends the civil penalties under the Sedimentation Pollution Control Act as follows:

- Creates a process whereby the Sedimentation Control Commission (Commission) may make a determination on a request for civil penalty remission.

- Establishes factors that the Commission must consider in determining whether a civil penalty remission request will be approved.
- Provides that when a person is assessed a penalty for a violation for the first time and has abated continuing environmental damage resulting from the violation within 180 days, the maximum civil penalty that may be assessed is \$25,000.
- Directs the Department of Environmental Quality, local government, or other approving authority to offer assistance in developing corrective measures for persons who have not received a previous notice of violation under the Act.

This section became effective September 18, 2015, and applies to civil penalties assessed and notices of violation issued on or after that date.

H97 - 2015 Appropriations Act, Sec. 14.21: Environmental Review Commission Studies (SL 2015-241)

Sec. 14.21 of S.L. 2015-241 directs the Environmental Review Commission (ERC) to convene a stakeholder working group to study local government authority over solid waste management matters, including: (i) the authority to enact ordinances concerning collection and processing of solid waste generated within their jurisdictions; (ii) an examination of costs to local governments for providing solid waste collection and processing services to citizens; (iii) whether efficiencies and cost reductions could be realized through privatization of such services; (iv) and any other issues the ERC deems relevant.

The ERC must also study the use of new technologies and strategies, including the use of integrated mobile aerosolization systems, to dewater leachate and other forms of wastewater for the purpose of reducing the burden and cost of disposal at the site where it is generated.

This section became effective July 1, 2015.

H97 - 2015 Appropriations Act, Sec. 14.14A: Encourage Interconnection of Public Water Systems (SL 2015-241)

Sec. 14.14A of S.L. 2015-241 directs the Department of Environment and Natural Resources (DENR) to identify public water supply systems that meet all of the following criteria: (i) the system is capable, as constructed or altered, of interconnectivity with another system located in the same river basin; (ii) the system has adequate capacity to expand; and (iii) interconnectivity of the system with other systems would promote public health, protect the environment, or ensure compliance with drinking water rules. DENR must notify the identified systems and those systems may discuss options for potential interconnectivity. The Department must also notify the Local Government Commission and the Commission must assist the systems with any questions regarding liabilities of the systems and alterations to the operations of the systems. The Commission for Public Health may adopt rules to implement this section.

This section became effective July 1, 2015.

H97 - 2015 Appropriations Act, Sec. 14.24: Petition for Wetlands Mitigation Flexibility (SL 2015-241)

Sec. 14.24 of S.L. 2015-241, as amended by Sec. 5.2C of 2015-268, directs the Department of Environment and Natural Resources (DENR) to petition the Army Corps of Engineers (Corps) to allow for greater flexibility to perform mitigation outside the eight-digit Hydrologic Unit Code (HUC) where the development requiring the mitigation occurs. DENR must make the petition no later than January 1, 2016, and must further request that the Corps review flexibility and the opportunities for mitigation by other Districts within the South Atlantic Division and nationwide.

DENR must report on its progress in petitioning the Corps to the Environmental Review Commission, the chairs of the Senate Appropriations Committee on Natural and Economic Resources and the House Appropriations Committee on Agriculture and Natural and Economic Resources, and the Fiscal Research Division by March 1, 2016.

This section became effective July 1, 2015.

H97 - 2015 Appropriations Act, Sec. 13.2: Tennessee Valley Authority Settlement Funds (SL 2015-241)

Sec. 13.2 of S.L. 2015-241 directs the Department of Agriculture and Consumer Services (Department) to apply for \$2.24 million from the Tennessee Valley Authority Settlement Agreement in compliance with the settlement terms. The funds must be allocated as follows:

- \$500,000 to WNC Communities to fund energy efficiency projects for public schools.
- \$740,000 to municipalities with a population of less than 1,000 located in counties within the Tennessee Valley Authority Service area that are classified as distressed by the Appalachian Regional Commission for higher efficiency upgrades to electrical transmission and distribution equipment and facilities.
- \$500,000 to the Agriculture Cost Share Program for Nonpoint Source Pollution Control for projects in the counties of Avery, Buncombe, Burke, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Swain, Transylvania, Watauga, and Yancey.
- \$500,000 to the Department's Bioenergy Development Program for projects in the counties of Avery, Buncombe, Burke, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Swain, Transylvania, Watauga, and Yancey.

This section became effective July 1, 2015.

H157 - Amend Environmental Laws (SL 2015-1)

S.L. 2015-1 amends various environmental laws, including provisions that:

- Authorize the Governor to send an official from the Department of Environmental Quality (DEQ) (formerly the Department of Environment and Natural Resources (DENR)) to act on the Governor's behalf at meetings of the Interstate Mining Commission.
- Make changes to the statutes governing recycled and recovered materials
- Make several technical corrections and clarifications to the Coal Ash Management Act of 2014
- Change the name of the Ecosystem Enhancement Program within DEQ to the Division of Mitigation Services.
- Make various changes that pertain to the membership of the Energy Policy Council.
- Effective retroactively to July 2, 2012, clarify that the Environmental Management Commission is only required to adopt a rule on air toxics from drilling operations associated with oil and gas activities if it determines that the State's current air toxics program, and any applicable federal regulations adopted by the State by reference, are inadequate.

Except as otherwise provided, this act became effective March 16, 2015.

H186 - Cape Fear Water Resources Availability Study (SL 2015-196)

S.L. 2015-196, as amended by Sec. 86.2 of S.L. 2015-264, (i) directs the Environmental Review Commission, with the assistance of the Department of Environment and Natural Resources, to study the availability of surface water and groundwater resources in or affecting the Cape Fear River Basin and (ii) authorizes the Rules Review Commission to retain private counsel under certain circumstances.

This act became effective August 5, 2015.

H339 - Add Fonta Flora Trail to State Parks System (SL 2015-113)

S.L. 2015-113, as amended by Sec. 14.30(a) of S.L. 2015-241, authorizes the Department of Environment and Natural Resources to add the Fonta Flora Loop Trail to the State Parks System.

This act became effective June 24, 2015.

H346 - Counties/Public Trust Areas (SL 2015-70)

S.L. 2015-70 authorizes counties to adopt ordinances to abate unreasonable restrictions of the public's right to use ocean beaches.

This act became effective June 11, 2015.

H364 - Clarify Laws on Executive Orders and Appointments (SL 2015-9)

S.L. 2015-9 amends conflict of interest provisions applicable to the Coal Ash Management Commission, the Environmental Review Commission, and the Coastal Resources Commission. It also modifies

appointments to the North Carolina Longitudinal Data System Board, the Domestic Violence Commission, and the Governor's Crime Commission to remove members who are also members of the General Assembly.

This act became effective April 27, 2015.

H634 - Stormwater/Built-Upon Area Clarification (SL 2015-149)

S.L. 2015-149 provides that for purposes of implementing stormwater programs, "built-upon area" does not include (i) a surface of number 57 stone, as designated by the American Society for Testing and Materials, laid at least 4" thick over a geotextile fabric or (ii) certain types of public trails.

This act became effective July 16, 2015.

H638 - Capitalize on Wetland Mitigation (SL 2015-194)

S.L. 2015-194 directs the Department of Environmental Quality ((DEQ) (formerly the Department of Environment and Natural Resources)) to work in cooperation with the Wildlife Resources Commission (WRC) to take various actions to facilitate increased wildlife habitats and hunting opportunities in compensatory mitigation activities. In addition, the act requires that DEQ inventory all land holdings of its Office of Land and Water Stewardship to determine how many of those holdings are potential wildlife habitats, issue a request for proposal to all parties interested in purchase of the land, and dispose of the land if certain criteria are met concerning maintenance of management measures and provision of recreational access.

This act became effective August 5, 2015.

H640 - Outdoor Heritage Act (SL 2015-144)

S.L. 2015-144 makes the following changes to the wildlife laws of the State:

- Directs the Wildlife Resources Commission (WRC) and the Outdoor Heritage Advisory Council to study the establishment of the North Carolina Outdoor Heritage Trust Fund. The Trust Fund is to be used to provide for the expansion of outdoor opportunities for persons 16 years of age or younger, is to be funded through voluntary check-off donations of not more than \$2.00 on transactions processed through WRC, and is to be administered by the Outdoor Heritage Advisory Council established in this act.
- Establishes the Outdoor Heritage Advisory Council to advise State agencies and the General Assembly on the promotion of outdoor activities. This section became effective July 1, 2015.
- Directs the Legislative Research Commission to study the need for expanded access to public lands.
- Requires a two-year suspension of a hunting license for a person who receives a third or subsequent conviction for hunting on posted property.
- Allows hunting with firearms seven days a week on private property, subject to the following limitations:

- Hunting with firearms between the hours of 9:30 A.M. and 12:30 P.M. on Sunday is prohibited.
- Hunting migratory birds with firearms on Sunday is prohibited.
- The use of a firearm to take deer that are run or chased by dogs on Sunday is prohibited.
- Hunting on Sunday with a firearm within 500 yards of a place of worship or a residence not owned by the landowner is prohibited.
- Hunting on Sunday with a firearm in a county having a population greater than 700,000 people is prohibited.

Beginning October 1, 2017, counties may prohibit hunting with firearms on Sunday by ordinance.

- Requires WRC to amend its rules to provide that cub bears are bears that weigh less than 75 pounds.
- Requires WRC to prohibit the use of dogs for fox hunting between April 1 and August 1, in Bladen Lakes State Forest Game Land. This section became effective June 1, 2015.
- Codifies a policy statement recognizing the importance of hunting with dogs to North Carolina's outdoor heritage and encouraging cooperative and neighborly agreements between landowners and hunters for the retrieval of hunting dogs, and provides that any landowner or lessee who grants a hunter permission to enter the land to retrieve hunting dogs owes that hunter the same duty of care that the landowner or lessee would owe a trespasser.

Except as otherwise provided, this act became effective October 1, 2015.

H705 - Amend Septic Tank Requirements (SL 2015-147)

S.L. 2015-147 both (i) broadens the types of septic tank systems that may serve as a replacement system in the case of failure of the original system to include innovative and accepted systems that are approved by rule and subject to certain conditions, and (ii) directs the Commission for Public Health to amend discrete rules for sand lined trench systems and the daily design flow for Sapro-lite systems.

This act became effective July 13, 2015.

H765 - Regulatory Reform Act of 2015, Sec. 4.1: Environmental Self-Audit Privilege and Limited Immunity (SL 2015-286)

Sec. 4.1 of S.L. 2015-286 establishes a disclosure privilege for environmental audit reports that would generally prevent the use of the reports as evidence in civil or administrative proceedings. The provision also prohibits persons who conducted or participated in an audit or who significantly reviewed an audit report from being compelled to testify regarding the audit report or a privileged part of the audit, except in certain circumstances. In addition, the provision generally establishes immunity for owners and operators of facilities from imposition of civil and administrative penalties for a violation of environmental laws discovered through the conduct of an environmental audit and voluntarily disclosed to an enforcement agency in conformance with requirements established by the provision. The provision specifically provides, however, that waiver of penalties and fines must not be granted until the applicable enforcement agency has certified that the violation was corrected within a reasonable period of time (i.e., the enforcement agency retains discretion to assess penalties and fines for the violation until it is corrected).

An owner or operator of a facility who makes a voluntary disclosure of a violation of environmental laws discovered through an audit is limited to exercising the privilege or immunity only once in a 2-year period, not more than twice in a 5-year period, and not more than three times in a 10-year period.

The provision does not apply to activities regulated under the Coal Ash Management Act of 2015.

The section requires the Department of Environmental Quality (formerly the Department of Environment and Natural Resources) to: (i) submit these environmental self-audit privilege and immunity provisions to the United States Environmental Protection Agency (USEPA) and request the USEPA's approval to implement the provisions in concert with the State's legal authority to continue administering delegated, approved, or authorized federal environmental programs within the State; and (ii) report to the Environmental Review Commission no later than December 1, 2015, and monthly thereafter, until approval to implement these provisions is received from USEPA.

This section would become effective upon the date such approval is received from USEPA.

H765 - Regulatory Reform Act of 2015, Sec. 4.2: Study Computer Equipment, Television, and Electronics Recycling Program (SL 2015-286)

Sec. 4.2 of S.L. 2015-286 directs the Department of Environmental Quality (DEQ) (formerly the Department of Environment and Natural Resources (DENR)) to study, in consultation with various stakeholders, the State's recycling requirements for discarded computer equipment and televisions, including the following issues: (i) the changing waste stream, including the transition from televisions containing cathode ray tubes to flat screen televisions; (ii) the current status of North Carolina's recycling system, including cost and financing issues, and options that may be available to reduce costs and establish sufficient funding to cover necessary costs; and (iii) opportunities for more efficient and effective recycling systems. DEQ must report its findings, including specific recommendations for legislative action, to the Environmental Review Commission by April 1, 2016.

This section became effective October 22, 2015.

H765 - Regulatory Reform Act of 2015, Secs. 4.7 and 4.8: Amend Risk-Based Remediation Provisions (SL 2015-286)

Secs. 4.7 and 4.8 of S.L. 2015-286 address the laws governing risk-based cleanup of contaminated sites by: (i) generally eliminating several criteria that limited eligibility of sites to enter the program; and (ii) requiring the Department of Environmental Quality (DEQ) (formerly the Department of Environment and Natural Resources) to develop coordinated processes to govern remediation of contaminated industrial sites using risk-based remediation that are consistent across all programs and requirements, and expand the use of registered environmental consultants for implementation and oversight of sites using risk-based remediation.

These sections became effective October 22, 2015.

H765 - Regulatory Reform Act of 2015, Sec. 4.8A: Study Standards for Hexavalent Chromium and Vanadium (SL 2015-286)

Sec. 4.8A of S.L. 2015-286 directs the Department of Environmental Quality (DEQ) (formerly the Department of Environment and Natural Resources), in conjunction with the Department of Health and Human Services, to study the State's groundwater standards, or State Interim Allowable Maximum Contaminant Levels (IMAC), as applicable, as well as State health screening levels, for hexavalent chromium and vanadium relative to other southeastern states' standards for these contaminants and the federal maximum contaminant levels (MCLs) for these contaminants under the Safe Drinking Water Act, in order to identify appropriate standards to protect public health, safety, and welfare; the environment; and natural resources. In addition, DEQ must evaluate background standards for these contaminants where they naturally occur in groundwater in the State. DEQ must submit an interim report no later than November 1, 2015, and a final report no later than April 1, 2016, to the Environmental Review Commission and the Joint Legislative Oversight Committee on Health and Human Services with any pertinent findings or recommendations, including any legislative proposals that it deems advisable.

This section became effective October 22, 2015.

H765 - Regulatory Reform Act of 2015, Sec. 4.10: Amend the Definition for "Prospective Developer" Under the Law Governing Brownfields Development (SL 2015-286)

Sec. 4.10 of S.L. 2015-286 amends the definition of "prospective developer" included in the statutes under the Brownfields Property Reuse Act (Act) of 1997, by eliminating a requirement that a prospective developer have a demonstrable intent to "buy or sell" a property.

This section became effective December 1, 2015, and applies to notices of Intent to Redevelop a Brownfields Property filed on or after that date.

H765 - Regulatory Reform Act of 2015, Sec. 4.11: Eliminate Outdated Fees Related to Solid Waste Matters (SL 2015-286)

Sec. 4.11 of S.L. 2015-286 repeals:

- A tax imposed on publishers of newsprint publications of \$15 per each ton by which the publisher's recycled content tonnage falls short of the tonnage of recycled postconsumer recovered paper needed to achieve the applicable minimum recycled content percentage as established in the statute
- A provision that allows the Department of Environmental Quality ((DEQ), formerly the Department of Environment and Natural Resources) to collect a fee for registration of persons transporting, collecting, or recycling used oil.

This section became effective October 22, 2015

H765 - Regulatory Reform Act of 2015, Sec. 4.39: Allow Alternate Disposal of Biodegradable Agricultural Plastics (SL 2015-286)

Sec. 4.39 of S.L. 2015-286 allows burning of polyethylene agricultural plastic without an air quality permit, provided that the burning:

- Does not violate State or federal ambient air quality standards.
- Is conducted between an hour after sunrise and an hour before sunset.
- Is set back at least 250 feet from a paved public roadway and at least 500 feet from an occupied structure outside the property where the burning is conducted.
- Is conducted in a manner such that it does not constitute a public nuisance.
- Is conducted by any of the following means: (i) by professionally manufactured equipment solely for the purpose of plastic mulch burning or incineration and approved by the Commissioner of Agriculture; (ii) by a fire that is enclosed in a noncombustible container; or (iii) by a fire that is restricted to a pile no greater than eight feet in diameter on cleared ground.

The Department of Agriculture and Consumer Services is given authority to adopt rules to implement the provisions of this section.

This section is retroactively effective on January 1, 2015.

H765 - Regulatory Reform Act of 2015, Sec. 4.9: Modify Effective Date for Life-of-Site Permits for Sanitary Landfills and Transfer Stations (SL 2015-286)

Sec. 4.9 of S.L. 2015-286 amends Sec. 14.20 of S.L. 2015-241, by modifying language in the provision's effective date, and otherwise making clarifying, technical, and conforming changes to the provision. As to the effective date, the provision in S.L. 2015-241 provides that the section becomes effective on July 1, 2016, and applies to new and existing facilities on or after that date; Section 4.9 of S.L. 2015-286 clarifies that permittees are allowed, but not required, to apply for a life-of-site permit on that date.

H765 - Regulatory Reform Act of 2015, Sec. 4.17: Contested Cases for Air Permits (SL 2015-286)

Sec. 4.17 of S.L. 2015-286 amends the process for filing a contested case regarding an air quality permit decision of the Environmental Management Commission (EMC) by:

- Providing that the filing for a contested case by a permit applicant or permittee would stay the EMC's decision while the filing for a contested case by a person who is not the permit applicant or permittee would not automatically stay the EMC's decision.
- Limiting these contested case provisions to permit application decisions rather than other types of permit decisions, such as permit modification, suspension, or revocation.

This section also directs the Department of Environment and Natural Resources to study whether these changes to contested cases for air quality permits should be expanded into other programs administered

by the Department. The Department will report the results of the study to the Environmental Review Commission by March 1, 2016.

This section became effective October 22, 2015.

H765 - Regulatory Reform Act of 2015, Sec. 4.18: Amend Isolated Wetlands Law (SL 2015-286)

Sec. 4.18 of S.L. 2015-286 makes the following changes to the regulation of isolated wetlands in the State:

- Provides that the only types of isolated wetlands the State will regulate are Basin Wetlands and Bogs and that the State will not regulate isolated man-made ditches or ponds constructed for stormwater management purposes or any other man-made isolated pond.
- Provides that the mitigation requirements for impacts to isolated wetlands apply only to the amount of impact that exceeds the current regulatory thresholds.
- Provides that impacts to wetlands that are not isolated wetlands will not be combined with impacts to isolated wetlands to determine whether the regulatory thresholds have been reached.
- Directs the Environmental Management Commission (EMC) to amend its rules by March 1, 2016, to establish a coastal region, piedmont region, and mountain region for purposes of regulating impacts to isolated wetlands. The regulatory thresholds for the three regions would be as follows: (i) less than or equal to one acre of isolated wetlands for the entire project in the coastal region; (ii) less than or equal to one-half acre of isolated wetlands for the entire project for the piedmont region; (iii) less than or equal to one-third acre of isolated wetlands for the entire project for the mountain region.

In no event could the regulatory requirements for impacts to isolated wetlands be more stringent than required under current law, which is less than or equal to one acre of isolated wetland for the entire project for areas east of Interstate 95 and less than or equal to one-third acre of isolated wetland for the entire project for areas west of Interstate 95.

This section became effective October 22, 2015.

H765 - Regulatory Reform Act of 2015, Sec. 4.19: Study Coastal Water Quality and Coastal Stormwater Requirements (SL 2015-286)

Sec. 4.19 of S.L. 2015-286 directs the Department of Environment and Natural Resources to evaluate the water quality of surface waters in the Coastal Counties, the impact of stormwater on this water quality, and stormwater management measures. The Department will report the results of the study, including any recommendations, to the Environmental Review Commission by April 1, 2016.

This section became effective October 22, 2015.

H765 - Regulatory Reform Act of 2015, Secs. 4.20 and 4.20A: Amend Stormwater Management Law (SL 2015-286)

Secs. 4.20 and 4.20A of S.L. 2015-286 make the following changes to the regulation of stormwater in the State:

- Extend the deadline for the Environmental Management Commission (EMC) to adopt rules to implement fast-track permitting for stormwater management systems.
- Provide that the volume, velocity, and discharge rates of water associated with the one-year, 24-hour storm and the difference in stormwater runoff from the predevelopment and postdevelopment conditions for the one-year, 24-hour storm must be calculated using an acceptable engineering hydrologic and hydraulic method.
- Provide that development may occur within a vegetative buffer if the stormwater runoff from the development is discharged outside of the buffer and is managed so that it otherwise complies with all applicable State and federal stormwater management requirements.
- Provide that the requirements that apply to development activities within one-half mile of and draining to Class SA (shellfish) waters or within one-half mile of Class SA waters and draining to unnamed freshwater tributaries will not apply to development activities and associated stormwater discharges that do not occur within one-half mile of and draining to Class SA waters or are not within one-half mile of Class SA waters and draining to unnamed freshwater tributaries.
- Provide that no later than March 1, 2016, a State agency or local government that implements a stormwater management program must submit its current stormwater management program or a revised stormwater management program to the EMC and that no later than December 1, 2016, the EMC must review and act on each of the submitted stormwater management programs. The EMC may only approve a program if it finds that the standards of the program equal those of the EMC's model program.
- Direct the Environmental Review Commission (ERC), with the assistance of the Department of Environment and Natural Resources to review and consider reorganization of State statutes, session laws, rules, and guidance documents related to stormwater management. The ERC must submit any legislative recommendations to the 2016 Regular Session of the 2015 General Assembly.
- Extend the sunset on the provision that allows cluster mailboxes to be constructed without requiring a modification of a stormwater permit from December 31, 2015, to December 31, 2017.

This section became effective October 22, 2015.

H765 - Regulatory Reform Act of 2015, Sec. 4.21: Study Exempting Linear Utility Projects from Certain Environmental Regulations (SL 2015-286)

Sec. 4.21 of S.L. 2015-286 directs the Department of Environment and Natural Resources (DENR) to study whether and to what extent activities related to the construction, maintenance, or removal of linear utility projects should be exempt from certain environmental regulations. DENR will report the results of the study to the Environmental Review Commission by March 1, 2016.

This section became effective October 22, 2015.

H765 - Regulatory Reform Act of 2015, Sec. 4.25: Ambient Air Monitoring (SL 2015-286)

Sec. 4.25 of S.L. 2015-286 directs the Department of Environment and Natural Resources (DENR) to review its ambient air monitoring network and request from the United States Environmental Protection Agency (EPA) the authority to remove any monitor not required by federal law that DENR has determined is not necessary to protect public health, safety, and welfare; the environment; and natural resources. This section also directs DENR, no later than September 1, 2016, to discontinue all ambient air monitors not required by federal law and for which EPA approval for discontinuance is not required if DENR has determined that the monitors are not necessary to protect public health, safety, and welfare; the environment; and natural resources. This section would not preclude DENR from installing temporary ambient air monitors as part of an investigation of a suspected air quality violation or in response to an emergency causing an imminent danger to human health and safety. DENR must report to the Environmental Review Commission on the status of the air monitoring network and its implementation of this section by November 1, 2016.

This section became effective October 22, 2015.

H765 - Regulatory Reform Act of 2015, Sec. 4.27: Division of Air Quality Notice Requirements (SL 2015-286)

Sec. 4.27 of S.L. 2015-286 reduces the notice period for consent orders related to air pollution from 45 days to 30 days and provides that notice of a consent order or a public meeting on a consent order must be given on the Department of Environment and Natural Resources' Web site rather than in a newspaper having general circulation in the county in which the air pollution originated.

This section became effective October 22, 2015.

H765 - Regulatory Reform Act of 2015, Sec. 4.31: Prohibit the Requirement of Mitigation for Impacts to Intermittent Streams (SL 2015-286)

Sec. 4.31 of S.L. 2015-286 provides that, except as required by federal law, the Department of Environment and Natural Resources cannot require mitigation for impacts to intermittent streams.

This section became effective October 22, 2015.

H765 - Regulatory Reform Act of 2015, Sec. 4.12: Delete or Repeal Various Environmental and Natural Resources Reporting Requirements (SL 2015-286)

Sec. 4.12 of S.L. 2015-286 repeals various reporting requirements of the Department of Environment and Natural Resources, the Marine Fisheries Commission, and the Wildlife Resources Commission.

This section became effective October 22, 2015.

H765 - Regulatory Reform Act of 2015, Sec. 4.3: Prohibit Implementation and Enforcement of Federal Standards for Wood Heaters (SL 2015-286)

Sec. 4.3 of S.L. 2015-286 prohibits the Environmental Management Commission from developing and adopting standards and plans to implement the federal air quality standards that limit emissions from wood heaters. This section also defines the term "wood heater."

This section became effective October 22, 2015.

H765 - Regulatory Reform Act of 2015, Sec. 4.14: On-Site Wastewater Amendments and Clarifications (SL 2015-286)

Sec. 4.14 of S.L. 2015-286 amends the statutes governing on-site wastewater systems to:

- Provide for an "engineered option permit" by which a licensed professional engineer may prepare signed and sealed drawings, specifications, plans, and reports for the design, construction, operation, and maintenance of an on-site wastewater system without requiring the oversight or approval of a local health department, and make conforming changes. The engineered option permit may not be utilized until such time as rules adopted by the Commission for Public Health (Commission) become effective.
- Authorize licensed soil scientists and licensed professional geologists to evaluate soil conditions and site conditions for proposed on-site wastewater systems.
- Require permitted systems with a design flow of less than 1,500 gallons per day to be operated by a certified Subsurface Water Pollution Control System Operator and authorize the Commission to establish standards, in addition to the requirement for a certified Subsurface Water Pollution Control System Operator, for systems with a design flow of 1,500 gallons or more per day.
- Direct the Commission, in consultation with stakeholders, to study and report on minimum on-site wastewater system inspection frequency as established in the Administrative Code to evaluate the feasibility and desirability of eliminating duplicative inspections of on-site wastewater systems.
- Direct the Commission, in consultation with stakeholders, to study and report on the period of validity for improvement permits and authorizations for wastewater system construction and evaluate the costs and benefits of a range of periods of validity.
- Provide that any improvement permit or authorization for wastewater system construction that is in effect on October 22, 2015, which is scheduled to expire on or before July 1, 2016 will remain in effect until July 1, 2016.

This section became effective October 22, 2015. The Commission must adopt temporary rules for implementing the provisions that make statutory amendments by June 1, 2016, and adopt permanent rules for implementing the provisions that make statutory amendments by January 1, 2017.

H765 - Regulatory Reform Act of 2015, Sec. 4.15: Amend Approval of On-Site Wastewater Systems (SL 2015-286)

Sec. 4.15 of S.L. 2015-286 amends the statute pertaining to the approval of on-site wastewater systems technologies as follows:

- Renames "controlled demonstration system" as a "provisional wastewater system" and provides that a provisional system includes any system or component that is acceptable to the Department of Health and Human Services (DHHS) or has been approved by a nationally recognized certification body for at least one year.
- Repeals the law on "experimental systems."
- Amends the processes by which a wastewater system achieves either provisional or innovative wastewater system status.
- Repeals the law authorizing DHHS to form a technical advisory committee (I & E Committee) comprised of specialists who have training and expertise related to on-site subsurface wastewater systems to assist in evaluating applications for approval.
- Repeals the five-year warranty required for certain nitrification trenches for innovative or accepted wastewater systems handling untreated effluent.
- Makes conforming changes to the fee schedule for DHHS review or modification of wastewater systems.

This section also:

- Directs the Commission for Public Health (Commission) to review and amend rules to implement the changes described above.
- Directs the Commission to report, beginning January 1, 2016, and every quarter thereafter until all rules are adopted, on its progress in adopting and amending rules pursuant to the on-site wastewater provisions of this act to HHS Oversight and the Environmental Review Commission (ERC).
- Directs the Commission, in consultation with DHHS, local health departments, and industry stakeholders, to study the costs and benefits of requiring treatment standards above those that are established by nationally recognized standards, and report its findings and recommendations to HHS Oversight and the ERC on or before March 1, 2016.

This section became effective October 22, 2015.

H765 - Regulatory Reform Act of 2015, Sec. 4.24: Repeal Department of Environment and Natural Resources Idling Rules (SL 2015-286)

Sec. 4.24 of S.L. 2015-286 directs the Secretary of Environment and Natural Resources to repeal the "Heavy-Duty Vehicle Idling Restrictions" rule (15A NCAC 02D .1010) on or before March 1, 2016. This section further provides that until the effective date of the repeal of the rule, the Secretary, the Department of Environment and Natural Resources, the Environmental Management Commission, or any other political subdivision of the State cannot implement or enforce the Heavy-Duty Vehicle Idling Restrictions rule.

This section became effective October 22, 2015.

H765 - Regulatory Reform Act of 2015, Sec. 3.9: Environmental Review Commission to Study Open and Fair Competition with Respect to Materials Used in Wastewater, Stormwater, and Other Water Projects (SL 2015-286)

Sec. 3.9 of S.L. 2015-286 authorizes the Environmental Review Commission (ERC) to study whether to require public entities to consider all acceptable piping materials before determining which piping material should be used in the constructing, developing, financing, maintaining, rebuilding, improving, repairing, procuring, or operating of a water, wastewater, or stormwater drainage project. The ERC must report its findings and recommendations to the 2016 Regular Session of the 2015 General Assembly.

This section became effective October 22, 2015.

H795 - State Environmental Policy Act Reform (SL 2015-90)

S.L. 2015-90 increases the thresholds for when the State Environmental Policy Act (SEPA) applies, increases the number of exemptions from the Act, and otherwise amends the Act.

The act became effective June 19, 2015, and applies to State agency action occurring on or after that date.

S14 - Academic Standards/Rules Review/Coal Ash/Funds, Secs. 7, 8, and 9 (SL 2015-7)

Secs. 7, 8, and 9 of S.L. 2015-7 clarify the appropriation of funds from the Coal Combustion Residuals Management Fund and amends several dam safety provisions from the Coal Ash Management Act of 2014 as follows:

- Clarifies that 26.5% of the funds in the Coal Combustion Residuals Management Fund must be used by the Coal Ash Management Commission and that the remainder must be used by the Department of Environment and Natural Resources (DENR).
- Provides that up to 25, rather than exactly 25, positions are created in DENR to carry out the duties imposed by G.S. 130A-309.202. It also clarifies the amount of the appropriation to support the positions and provides that if there is a shortfall in the fund, appropriations to DENR and Department of Public Safety must be reduced in equal proportions.
- Effective retroactively to September 20, 2014, amends several dam safety provisions from the Coal Ash Management Act of 2014 to:
 - Provide that the downstream inundation map prepared as part of a dam Emergency Action Plan need not be prepared by a licensed professional engineer unless the dam is associated with a coal ash impoundment.
 - Change the date for submission of dam Emergency Action Plans for dams not associated with coal ash impoundments from March 1, 2015, to December 1, 2015.
 - Direct DENR to study whether and under what circumstances downstream inundation maps should be prepared by licensed professional engineers and to report the results of the study to the Environmental Review Commission no later than March 31, 2016.

Except as otherwise provided, these sections became effective July 1, 2014.

S119 - GSC Technical Corrections 2015, Sec. 15: Repeal North Carolina Land Policy Council (SL 2015-264)

Sec. 15 of S.L. 2015-264 repeals the North Carolina Land Policy Council.

This section became effective October 1, 2015.

S119 - GSC Technical Corrections 2015, Sec. 56.2: Local Ordinances Regulating Energy Activities Invalid (SL 2015-264)

Sec. 56.2 of S.L. 2015-264 amends the statute governing local regulation of oil and gas activities to prohibit local ordinances that regulate, or have the effect of regulating, oil and gas activities within a jurisdiction, and provides that ordinances that place any restriction or condition not placed by the statutes governing oil and gas activities and use of horizontal drilling or hydraulic fracturing for that purpose are invalid and unenforceable. Prior to enactment of this section of Senate Bill 119, the statute in question preempted local ordinances that prohibit, or have the effect of prohibiting, oil and gas activities within a jurisdiction. This provision is effective retroactively to June 4, 2014.

In addition, this section amends a statute that prohibits local ordinances that regulate, or have the effect of regulating, coal ash management activities, to clarify that such ordinances are "unenforceable," in addition to being invalid. This provision is effective retroactively to August 20, 2014.

S374 - Modify For-Hire License Logbook Requirement (SL 2015-201)

S.L. 2015-201 repeals the requirement that for-hire coastal recreational fishing license holders maintain a logbook of catch and effort statistical data; requires the North Carolina Division of Marine Fisheries (Division) of the Department of Environment and Natural Resources to conduct a study of the reporting requirement, including forming a stakeholder advisory group; prohibits the Director of the Division (Fisheries Director) from entering into a Joint Enforcement Agreement (JEA) with the National Marine Fisheries Service (NMFS); and requires the Division to conduct a study on the advisability of reenacting authorization for the Division to enter into a JEA with the NMFS, including a 12-month process to seek input from stakeholders.

This act became effective August 5, 2015.

S513 - North Carolina Farm Act of 2015, Sec. 11: Allow Shellfish Cultivation Leases in Areas Containing Submerged Aquatic Vegetation (SL 2015-263)

Sec. 11 of S.L. 2015-263 directs the Secretary of Environment and Natural Resources, except as prohibited by federal law, not to exclude any area from shellfish cultivation leases solely on the basis that the area contains submerged aquatic vegetation. However, the policy of the Army Corps of Engineers,

Wilmington District, prohibits shellfish leasing in areas with submerged aquatic vegetation, and this section is not enforceable until the Corps amends its policy.

This section became effective October 1, 2015, and applies to any new shellfish cultivation leases or renewals of existing shellfish cultivation leases issued on or after that date.

S513 - North Carolina Farm Act of 2015, Sec. 13: Procedure for Termination or Modification of Conservation Agreements (SL 2015-263)

Sec. of S.L. 2015-263 provides that easements secured by the Agricultural Development and Farmland Preservation Trust Fund and any agricultural conservation easement secured in whole or in part with federal funds, and where at least one party is a public body of the State, must not be terminated or modified for the purpose of economic development. Prior to any modification or termination of a conservation agreement, the agency requesting the termination must conduct a conservation benefit analysis, and the termination or modification may only proceed if the analysis concludes that the modification or termination results in a greater benefit to conservation purposes. The analysis must be provided to the Council of State before the Council of State votes on the final decision to modify the agreement. However, this section does not apply to a condemnation action initiated by an entity condemning the property through eminent domain, as governed by Article 6 of Chapter 40A of the General Statutes.

This section also allows funds from the Agricultural Development and Farmland Preservation Trust Fund to be distributed to the Department of Agriculture and Consumer Services for the purchase of agricultural conservation easements or agreements to be held by the Department.

This section became effective September 30, 2015, and applies to conservation agreements or easements executed on or after that date.

S513 - North Carolina Farm Act of 2015, Sec. 16: Amend the Definition of "New Animal Waste Management System" and the Application of Swine Waste Management System Performance Standards (SL 2015-263)

Sec. 16 of S.L. 2015-263 amends the implementation of animal waste management system regulations to provide that:

- A "new animal waste management system" does not include a system that has been abandoned or unused for a period of four years or more and is then put back into service.
- Certain swine waste management system performance standards do not apply to any facility that meets all the following conditions:
 - Has had no animals on site for five continuous years or more.
 - Notifies the Division of Water Resources (Division) in the Department of Environmental Quality in writing at least 60 days prior to bringing any animals back onto the site.
 - The system depopulated after January 1, 2005, and the system ceased operation no longer than 10 years prior to the current date.
 - At the time the system ceased operation, it was in compliance with an individual permit or a general permit.

- The Division issues an individual permit or a certificate of coverage under a general permit for operation of the system before any animals are brought on the facility.
- The permit for the animal waste management system does not allow production to exceed the greatest steady state live weight previously permitted for the system.
- No component of the animal waste management system and swine farm, other than an existing swine house or land application site, may be constructed in the 100-year floodplain.
- The inactive animal waste management system was not closed using the expenditure of public funds and was not closed pursuant to a settlement agreement, court order, cost-share agreement, or grant condition.

This section became effective September 30, 2015.

S513 - North Carolina Farm Act of 2015, Sec. 18: Modify Implementation of the Odor Control of Feed Ingredient Manufacturing Plants Rule (SL 2015-263)

Sec. 18 of S.L. 2015-263 modifies implementation of the Odor Control of Feed Ingredient Manufacturing Plants Rule, which requires that various odor control measures be implemented at any facility that produces feed-grade animal proteins or feed-grade animal fats and oils. The Rule specifically provides that a person at such facilities must not cause or permit any raw material to be handled, transported, or stored, or to undertake the preparation of any raw material without taking reasonable precautions to prevent odors from being discharged. For purposes of the Rule, raw material is considered in storage after it has been unloaded at a facility or after it has been located at the facility for at least 24 hours.

Section 18 of the act modifies the implementation of the Rule to provide that:

- Raw material is considered in storage after it has been unloaded at a facility or after it has been located at the facility for at least 36 hours.
- A vehicle or container holding raw material, which has not been unloaded inside or parked inside an odor controlled area within the facility, must be unloaded for processing of the raw material prior to the expiration of the following time limits: (i) for feathers with only trace amounts of blood, such as those obtained from slaughtering houses that separate blood from offal and feathers, no later than 48 hours after being weighed upon arrival at the facility; (ii) for used cooking oil in sealed tankers, no later than 96 hours after being weighed upon arrival at the facility.

This section became effective September 30, 2015.

S513 - North Carolina Farm Act of 2015, Sec. 19: Exempt Certain Wetlands Mitigation Activities from Requirements under the Sedimentation Pollution Control Act (SL 2015-263)

Sec. 19 of S.L. 2015-263 exempts from the Sedimentation Pollution Control Act activities undertaken to restore the wetland functions of converted wetlands to provide compensatory mitigation to offset impacts permitted under Section 404 of the federal Clean Water Act, and activities undertaken voluntarily to restore the wetland functions of converted wetlands.

This section became effective September 30, 2015.

S513 - North Carolina Farm Act of 2015, Sec. 20: Clarify Reimbursement of Third-Party Claims From the Commercial and Noncommercial Leaking Petroleum Underground Storage Tank Cleanup Funds (SL 2015-263)

Sec. 20 of S.L. 2015-263 provides guidance for the use of Commercial or Noncommercial Leaking Petroleum Underground Storage Tank Cleanup Funds for payment of compensation to third parties for bodily injury and property damage in excess of \$100,000 per occurrence. There is, however, a rule (15A NCAC 02P .0403) that defines the terms "third-party bodily injury" and "third-party property damage." This section codifies the limitations of 15A NCAC 02P .0403 into statute, and makes other conforming changes.

This section became effective September 30, 2015, and applies to claims for reimbursement pending or submitted on or after that date.

S513 - North Carolina Farm Act of 2015, Sec. 23: Amend Definition of Mining Relative to Agricultural Activities (SL 2015-263)

Sec. 23 of S.L. 2015-263 amends the definition of mining to provide that mining does not include excavation or grading when conducted solely for activities undertaken on agricultural land that are exempt from the requirements of the Sedimentation Pollution Control Act.

This section became effective September 30, 2015.

S513 - North Carolina Farm Act of 2015, Sec. 33: Exemptions from Certain Department of Environmental and Natural Resources Permits and Waste Analysis During Imminent Threat of Contagious Animal Disease (SL 2015-263)

Sec. 33 of S.L. 2015-263 clarifies the powers of the State Veterinarian to develop emergency measures to prevent and control the spread of a contagious animal disease by providing that emergency measures relating to the composting of dead domesticated animals are deemed permitted with respect to Department of Environment and Natural Resources (DENR) water quality permits, and DENR is not required to issue permits. This section also provides that the State Veterinarian may temporarily suspend periodic testing of waste products from animal waste management systems and dry litter poultry facilities, in consultation with the Commissioner of Agriculture and the approval of the Governor, to the extent necessary to prevent and control an animal disease. During the suspension of waste analysis, the 1217 Interagency Committee must establish waste product nutrient content to be used for application of waste at no greater than agronomic rates.

This section became effective September 30, 2015.

S716 - Mountain Energy Act of 2015, Sec. 2: Modifications to Certain Requirements for Coal Ash Management at the Asheville Steam Electric Generating Plant (SL 2015-110)

Sec. 2 of S.L. 2015-110 modifies certain requirements under the Coal Ash Management Act of 2014 for coal combustion residuals surface impoundments and electric generating facilities located at the Asheville Steam Electric Generating Plant located in Buncombe County, if certain criteria concerning construction of a gas-fired generating facility and cessation of coal-fired facilities at the site are met.

This section would become effective August 1, 2016, if, on or before that date, the North Carolina Utilities Commission has issued a certificate of public convenience and necessity to Duke Energy Progress for a new natural gas-fired generating facility, based upon written notice submitted to the Commission from Duke Energy Progress that it will permanently cease operations of all coal-fired generating units at the Asheville Steam Electric Generating Plant located in Buncombe County no later than January 31, 2020.