

Environment, Natural Resources, and Energy

See full summary documents for additional detail

H268 - Amend On-Site Wastewater Laws. (SL 2019-151)

S.L. 2019-151 disapproves certain wastewater rules adopted by the North Carolina Commission for Public Health, creates a task force to study and recommend new wastewater rules to the Commission, amends the approval process for wastewater dispersal systems, and allows soil scientists to approve non-engineered wastewater systems.

This act became effective July 22, 2019.

H329 - Renewable Energy Amends. (SL 2019-132)

S.L. 2019-132 does all of the following:

- Adds a definition for "plug-in electric vehicle" to the Public Utilities Chapter of the General Statutes.
- Directs the Environmental Management Commission (EMC) to adopt rules to establish a regulatory program to govern: the management of end-of-life photovoltaic (PV) modules and energy storage system batteries, including requirements for stewardship programs for the recycling of such equipment; and decommissioning of utility-scale solar projects and wind energy facilities. The Department of Environmental Quality (DEQ) is also directed to establish a stakeholder process to support development of the rules.
- Extends certain treatment given to small power producers that produce energy from swine and poultry waste to certain small hydroelectric power facilities, with respect to an exemption concerning capacity payments to small power producers under standard contracts.

This act became effective July 19, 2019.

H495 - No Municipal Regulation of Off-Site Wastewater Systems. (SL 2019-131)

S.L. 2019-131 prohibits municipalities from enacting ordinances or enforcing existing ordinances to prohibit or regulate the use of off-site wastewater systems or other systems approved by the Department of Public Health under rules adopted by the Commission for Public Health when the systems meets the conditions of the approval.

This act became effective July 19, 2019.

H532 - DNCR Add New Trails & Various Changes. (SL 2019-20)

S.L. 2019-20 adds two trails to the State Trails System, makes various technical, clarifying, and conforming changes to the States Parks Act and the North Carolina Trails System Act, and transfers authority to

administer the federal Land and Water Conservation Fund to the Department of Natural and Cultural Resources.

This act became effective June 3, 2019.

H758 - MSD Expansion and Governance/DACS Study. (SL 2019-127)

S.L. 2019-127 requires expansion of a metropolitan sewerage district in certain limited circumstances and upon the Environmental Management Commission finding that the inclusion of the new territory would not adversely affect customer service in the district and would preserve and promote the public health and welfare of the district; and directs the Department of Agriculture and Consumer Services to study wildlife enhancement, invasive species control, and native habitat restoration on properties managed by the State.

This act became effective July 19, 2019.

H761 - Clarify Wastewater Permitting Liability. (SL 2019-126)

S.L. 2019-126 provides that the Department of Health and Humans Services, its authorized agents, and local health departments bear no liability for wastewater systems failures that are a direct result of certain wastewater system evaluations conducted by licensed soil scientists or licensed geologists.

This act became effective July 19, 2019.

H812 - Nutrient Offset Amendments. (SL 2019-86)

S.L. 2019-86 allows a wastewater facility to offset its nutrient reduction requirements with nutrient offset credits from a nutrient offset project located in another hydrologic area if the project is downstream from the wastewater facility and upstream from the impaired water body.

This act became effective July 8, 2019, and applies to nutrient offset credits purchased on or after that date.

S95 - Veterans Memorial Funds/Do Not Revert. (SL 2019-75)

S.L. 2019-75 does the following:

- Provides that funds appropriated for the construction of public facilities at the North Carolina Veterans Memorial Pavilion do not revert to the General Fund until June 30, 2020.
- Extends until June 30, 2021, the time in which funds allocated for water lines for Rockingham and Guilford counties, and certain municipalities within those counties, may be used before reverting to the General Fund, and expands the use of those funds to include sewer and wastewater projects.
- Allocates funds that were directed to be used to provide a grant to the Resource Institute, Inc. for hurricane mitigation projects on Topsail Island directly to the Towns of North Topsail Beach, Surf City, and Topsail Beach for hurricane recovery projects.

- Provides that funds allocated for planning and permitting of a satellite aquarium area shall instead be used to address storm damage at the Core Sound Waterfowl Museum and Heritage Center and to add the home of civil rights leader Golden Frinks to the Historic Edenton State Historic Site.
- Clarifies the purpose of water and wastewater infrastructure funding to the Town of Mount Airy.

This act became effective June 30, 2019.

S297 - Cancer Research Advisory Panel. (SL 2019-145)

S.L. 2019-145 directs the North Carolina Policy Collaboratory at the University of North Carolina at Chapel Hill to assemble a research advisory panel to study and develop recommendations on how best to implement a research program to determine whether any cancer clusters exist within the State.

This act became effective July 19, 2019.

S320 - Regional Water Systems and State Grants. (Ratified)

Senate Bill 320 would amend requirements governing disbursement of water/wastewater infrastructure grants or loans to recipients engaged in regionalization to, in certain circumstances, require a written agreement between a recipient and local government units purchasing treated or untreated water from the recipient, stating the current rates of purchase and any anticipated increases over the term of the agreement, or a resolution approved by the governing board of the purchasing local government unit stating that it waives its option to establish such a written agreement. The bill also establishes a process for the Local Government Commission (LGC) to assist in resolving any disputes between local government units prior to execution of a written agreement. If the parties fail to reach an agreement, the bill would prohibit the Department of Environmental Quality (DEQ) from disbursing any loan or grant to either local government unit until the dispute is resolved to the satisfaction of the LGC.

Senate Bill 320 was vetoed by the Governor on August 2, 2019, has not been overridden by the General Assembly, and, therefore, has not become law.

S355 - Land-Use Regulatory Changes. (SL 2019-111)

Part I of S.L. 2019-111 makes various changes to the land-use regulatory laws of the State, and became effective on July 11, 2019.

Part II of S.L. 2019-111 reorganizes and consolidates existing statutes governing local government regulation of land planning and development into a new Chapter 160D of the General Statutes. Part II also makes various changes to these laws. Part II of this act also clarifies and restates the intent of existing law.

Part II becomes effective January 1, 2021, and applies to local government development regulation decisions made on or after that date. Insofar as Part II clarifies and restates the intent of existing law, it applies to ordinances adopted before, on, and after that date.

This act has various effective dates. Please see the full summary for more detail.

S381 - Reconstitute/Clarify Boards and Commissions. (SL 2019-32)

S.L. 2019-32 reconstitutes several boards and commissions that were held to have unconstitutionally appointed memberships, makes corrections to remedy those deficiencies, and makes other clarifying changes.

This act became effective July 1, 2019. All rules, regulations, and decisions made by the predecessor boards and authorities reconstituted in this act must remain in full force and effect until and unless duly modified by the successor entities.

S429 - Disaster Recovery - 2019 Budget Provisions. (SL 2019-224)

S.L. 2019-224 contains identical appropriations and allocations for disaster recovery matters that are contained in the 2019 Appropriations Act (HB 966, 2019 Regular Session).

This act has various effective dates. Please see the full summary for more detail.

S433 - DNCR Omnibus & Other Changes. (SL 2019-241)

S.L. 2019-241 amends State law as follows:

- Makes various changes to the statutes governing the Department of Natural and Cultural Resources (DNCR).
- Removes certain lands from the State Nature and Historic Preserve, as recommended by DNCR.
- Directs the NC Policy Collaboratory (Collaboratory) to create an inventory of aqueous film-forming foam currently in use by North Carolina fire departments and develop a process for the safe collection and disposal of unneeded foam.
- Extends the deadline for Collaboratory study on nontargeted PFAS analysis.
- Makes other various changes to certain effective dates and certain funding for disaster recovery and emergency operating funds for utilities.
- Adjusts for inflation the threshold for Department of Administration approval of State leases.
- Clarifies and amends the septic tank site suitability determination process.

This act became effective November 6, 2019, except that the section of the act pertaining to certain State park violations became effective December 1, 2019 and applies to offenses committed on or after that date.

S525 - Textile Hist. Site/Operate SE NC Museum. (SL 2019-118)

S.L. 2019-188 directs the Department of Natural and Cultural Resources (DNCR) to determine the feasibility of creating a State historic site or State museum focused on the State's textile production and industrial history, determine the feasibility of operating a museum in southeastern North Carolina, and report its findings and recommendations by May 1, 2020 or October 1, 2020. The act allows DNCR to use up to \$20,000 in funds appropriated to it for the 2018-2019 fiscal year for some of the evaluations and reports required by this act.

This act became effective July 11, 2019.

S535 - Authorize State Park/Clarify Corps Name. (SL 2019-138)

S.L. 2019-138 authorizes the Department of Natural and Cultural Resources (DNCR) to add Pisgah View State Park to the State Parks System, and updates the General Statutes to reflect a conservation group's name change.

This act became effective July 19, 2019.

S553 - Regulatory Reform Act of 2019. (Ratified)

Senate Bill 553 would amend several State laws as follows:

- Raise the dollar threshold for contracts exempted from the conflict-of-interest prohibition for public employees benefitting from public contracts from \$40,000 to \$60,000 for goods and services that are not medically related.
- Direct the Building Code Council to amend the Building Code and Plumbing Code for certain regulations concerning drinking fountains and water closets.
- Direct the Building Code Council to amend the Fire Prevention Code to allow certain doorstep garbage and recycling containers.
- Require all occupational licensing boards with continuing education requirements to study and report on any available options for online continuing education.
- Exempt Onslow and Rockingham Counties from the list of counties required to conduct vehicle emissions testing.
- Create a process for counties to permit temporary event venues in certain situations.
- Require NC Pre-K operators to provide parents with information pertaining to public and private school choices in their county or any other county.
- Clarify landfill life-of-site franchise requirements.
- Repurpose pre-regulatory landfill funds.
- Direct the Department of Environmental Quality to study and report on express permitting expansion for certain programs.
- Extend the deadline for Coastal Area Management Act Emergency General Permits authorized in response to Hurricanes Florence and Michael to October 12, 2019, with all work to be completed by October 12, 2020.
- Provide additional criteria for determining priority for grants from the Wastewater Reserve or the Drinking Water Reserve.
- Amend the septic tank site suitability determination process.
- Establish a process to identify and assess distressed public water and wastewater systems and create a Viable Utility Fund within the Department of Environmental Quality to be used to assist distressed systems to become self-sustaining.
- Expand the architectural license exemption for small commercial projects.
- Direct the Department of Revenue to provide information to the Revenue Laws Study Committee concerning the property taxation of outdoor signs.
- Require that electric membership cooperatives and their subsidiaries comply with applicable notice, safety, and permitting requirements when constructing or maintaining broadband lines.

- Authorize cities to require that manufactured homes be installed in accordance with certain standards, but prohibit cities from requiring masonry curtain walls or skirting being installed on manufactured homes on land leased to the homeowner.
- Authorize the Division of Motor Vehicles to issue a limited registration plate to a vehicle owner in certain situations.
- Require that the State Board of Elections certify voting systems only if a performance bond or letter of credit has been posted.
- Allow a dealer to sell, without a safety inspection, a salvage-titled vehicle in certain circumstances.
- Direct the Division of Motor Vehicles to study whether the laws governing salvage vehicles should be revised to protect consumers from unsafe vehicles.
- Allow the sale of alcoholic beverages at certain stadiums.
- Direct the Division of Emergency Management within the Department of Public Safety to study the needs of law enforcement and first responders to improve access to the interstate system.
- Make technical changes to the statutes governing the North Carolina Board of Architecture and the criteria necessary to sit for the architecture licensure exam.
- Add aquaculture to the uses that may be made of flood hazard areas without a permit.
- Clarify that proof of mailing is sufficient proof of notice for certain insurance policy or renewal cancellations by the insurer.
- Allow the Department of Agriculture and Consumer Services to use funds appropriated to it to provide a non-federal match for any project that has been or will be approved for funding by the USDA Emergency Watershed Protection Act.

This bill was vetoed by the Governor on September 20, 2019, has not been overridden by the General Assembly, and, therefore, has not become law.

S606 - Prioritize Native NC Plants on Highway ROW. (SL 2019-148)

S.L. 2019-148 amends the Department of Transportation's authority to plant trees and other vegetation in the highway right-of-way by directing the Department to select acceptable plants with a strong preference for those that are native to North Carolina.

The act became effective July 22, 2019.

S610 - Authorize Northern Peaks Trail. (SL 2019-74)

S.L. 2019-74 authorizes the Department of Natural and Cultural Resources to add the proposed Northern Peaks State Trail to the State Parks System.

This act became effective July 1, 2019.

S648 - Support Shellfish Aquaculture. (SL 2019-37)

S.L. 2019-37 makes the following changes to State laws governing shellfish aquaculture:

- Authorizes the establishment of Shellfish Aquaculture Enterprise Areas.
- Establishes the Pamlico Sound Shellfish Aquaculture Pilot Project.

- Increases the production and planting requirements for shellfish leases.
- Facilitates the transition of terminated leases to productive uses.
- Allows transplanting of seed oysters and seed clams from permitted aquaculture operation nursery facilities in prohibited waters.
- Establishes a new administrative process for certain appeals of shellfish lease decisions.
- Establishes temporary moratoria on shellfish leasing in the New Hanover County Area and in Bogue Sound.
- Establishes various studies related to shellfish aquaculture.

This act became effective July 1, 2019.

S691 - Emergency Operating Funds for Utilities. (SL 2019-226)

S.L. 2019-226 permits funds from the Wastewater Reserve and the Drinking Water Reserve to be used during the 2019-2020 fiscal year to provide grants to the Local Government Commission to fund operating deficits of a public water or wastewater system when (1) the system has been taken over by the Local Government Commission or (2) the charter of the local government or public authority owning the system has been revoked by a local act of the General Assembly.

This act became effective October 1, 2019.