

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 169\*

Agriculture/Environment, Natural Resources Committee Substitute Adopted 4/22/97

Short Title: Env. Tech. Corrections.

(Public)

Sponsors:

Referred to:

February 17, 1997

A BILL TO BE ENTITLED  
AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL CHANGES  
TO VARIOUS LAWS RELATING TO ENVIRONMENT, HEALTH, AND  
NATURAL RESOURCES, AS RECOMMENDED BY THE ENVIRONMENTAL  
REVIEW COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 106-802(4) reads as rewritten:

"(4) 'Site evaluation' means an investigation to determine if a site meets all federal and State standards as evidenced by the Waste Management Facility Site Evaluation Report on file with the Soil and Water Conservation District office or a comparable report certified by a professional engineer or a comparable report certified by a technical specialist approved by the North Carolina Soil and Water Conservation Commission.

~~Department of Environment, Health and Natural Resources".~~

Section 2. G.S. 143-215.74(b)(3) reads as rewritten:

"(3) Subject to subdivision (7) of this subsection, priority designations for inclusions in the program shall be under the authority of the Soil and Water Conservation Commission and the Commission. The Soil and

1 Water Conservation Commission shall retain the authority to allocate  
2 the cost share funds."

3 Section 3. G.S. 143B-282(a) reads as rewritten:

4 "(a) There is hereby created the Environmental Management Commission of the  
5 Department of Environment, Health, and Natural Resources with the power and duty to  
6 promulgate rules to be followed in the protection, preservation, and enhancement of the  
7 water and air resources of the State.

8 (1) Within the limitations of G.S. 143-215.9 concerning industrial health  
9 and safety, the Environmental Management Commission shall have all  
10 of the following powers and duties:

11 a. To grant a permit or temporary permit, to modify or revoke a  
12 permit, and to refuse to grant permits pursuant to G.S. 143-215.1  
13 and G.S. 143-215.108 with regard to controlling sources of air  
14 and water ~~pollution;~~ pollution.

15 b. To issue a special order pursuant to G.S. 143-215.2(b) and G.S.  
16 143-215.110 to any person whom the Commission finds  
17 responsible for causing or contributing to any pollution of water  
18 within such watershed or pollution of the air within the area for  
19 which standards have been ~~established;~~ established.

20 c. To conduct and direct that investigations be conducted pursuant  
21 to G.S. 143-215.3 and G.S. ~~143-215.108(b)(5);~~ 143-215.108(b)(5).

22 d. To conduct public hearings, institute actions in superior court,  
23 and agree upon or enter into settlements, all pursuant to G.S. ~~143-~~  
24 ~~215.3;~~ 143-215.3.

25 e. To direct the investigation of any killing of fish and wildlife  
26 pursuant to G.S. ~~143-215.3;~~ 143-215.3.

27 f. To consult with any person proposing to construct, install, or  
28 acquire an air or water pollution source pursuant to G.S. 143-  
29 215.3 and G.S. ~~143-215.111;~~ 143-215.111.

30 g. To encourage local government units to handle air pollution  
31 problems and to provide technical and consultative assistance  
32 pursuant to G.S. 143-215.3 and G.S. ~~143-215.112;~~ 143-215.112.

33 h. To review and have general oversight and supervision over local  
34 air pollution control programs pursuant to G.S. 143-215.3 and  
35 G.S. ~~143-215.112;~~ 143-215.112.

36 i. To declare an emergency when it finds a generalized dangerous  
37 condition of water or air pollution pursuant to G.S. ~~143-215.3;~~  
38 143-215.3.

39 j. To render advice and assistance to local government regarding  
40 floodways pursuant to G.S. ~~143-215.56;~~ 143-215.56.

41 k. To declare and delineate and modify capacity use areas pursuant  
42 to G.S. ~~143-215.13;~~ 143-215.13.

- 1 l. To grant permits for water use within capacity use areas pursuant  
2 to G.S. ~~143-215.15;~~ 143-215.15.
- 3 m. To direct that investigations be conducted when necessary to  
4 carry out duties regarding capacity use areas pursuant to G.S.  
5 ~~143-215.19;~~ 143-215.19.
- 6 n. To approve, disapprove and approve subject to conditions all  
7 applications for dam construction pursuant to G.S. 143-215.28; to  
8 require construction progress reports pursuant to G.S. ~~143-~~  
9 ~~215.29;~~ 143-215.29.
- 10 o. To halt dam construction pursuant to G.S. ~~143-215.29;~~ 143-  
11 215.29.
- 12 p. To grant final approval of dam construction work pursuant to  
13 G.S. ~~143-215.30;~~ 143-215.30.
- 14 q. To have jurisdiction and supervision over the maintenance and  
15 operation of dams pursuant to G.S. ~~143-215.31;~~ 143-215.31.
- 16 r. To direct the inspection of dams pursuant to G.S. ~~143-215.32;~~  
17 143-215.32.
- 18 s. To modify or revoke any final action previously taken by the  
19 Commission pursuant to G.S. 143-214.1 and G.S. ~~143-215.107;~~  
20 143-215.107. ~~and~~
- 21 t. To have jurisdiction and supervision over oil pollution pursuant  
22 to Article 21A of Chapter ~~143;~~ 143. ~~[and]~~
- 23 u. To administer the State's authority under 33 ~~USC~~ U.S.C. § 1341  
24 of the federal Clean Water Act."

25 Section 4. Section 17 of Chapter 626 of the 1995 Session Laws (1996 Regular  
26 Session) reads as rewritten:

27 "Sec. 17. No later than October 1, 1996, the Environmental Management  
28 Commission and the Soil and Water Conservation Commission, with technical assistance  
29 from the Cooperative Extension Service, shall establish the record-keeping requirements  
30 under G.S. ~~143-215.1C(e)(8);~~ 143-215.10C(e)(8), as enacted by Section 2 of this act. The  
31 Natural Resources Conservation Service is encouraged to cooperate fully with  
32 establishing these requirements."

33 Section 5. Section 2 of Chapter 627 of the 1995 Session Laws (1996 Regular  
34 Session) reads as rewritten:

35 "Sec. 2. G.S. ~~113-133(e)~~ 113-133.1(e) is amended by deleting the words  
36 'Currituck: Session Laws 1959, Chapter 545.'"

37 Section 6. This act is effective when it becomes law.