

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1099
Committee Substitute Favorable 5/7/09
Committee Substitute #2 Favorable 5/12/09

Short Title: Amend Environmental Laws 2009.

(Public)

Sponsors:

Referred to:

April 7, 2009

A BILL TO BE ENTITLED

AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO: (1) REPEAL THE REQUIREMENT THAT SEASONAL STATE PARK EMPLOYEES WEAR A UNIFORM VEST; (2) REQUIRE ELECTRONIC REPORTING OF ENVIRONMENTAL LEAD TEST RESULTS AND BLOOD LEAD TEST RESULTS; (3) CLARIFY THE FEE STRUCTURE FOR FOOD AND LODGING PERMITS; (4) REVISE THE SUNSET PROVISION FOR NUTRIENT OFFSET PAYMENTS; (5) AMEND THE SOLID WASTE DISPOSAL TAX TO STREAMLINE THE PROCESS WHEN A LOCAL GOVERNMENT IS SERVED BY A SOLID WASTE MANAGEMENT AUTHORITY; AND (6) EXTEND BY ONE YEAR THE DEADLINE FOR THE DEVELOPMENT AND IMPLEMENTATION OF A NUTRIENT MANAGEMENT STRATEGY FOR CERTAIN DRINKING WATER SUPPLY RESERVOIRS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113-35.1 is repealed.

SECTION 2. G.S. 130A-131.8 reads as rewritten:

"§ 130A-131.8. Laboratory Reports ~~reports of blood levels in children.~~

(a) All laboratories doing business in this State shall report to the Department all environmental lead test results and blood lead test results for children less than six years of age and for individuals whose ages are unknown at the time of testing. Reports shall be made by electronic submission within five working days after test ~~completion on forms provided by the Department or on self-generated forms containing:~~ completion.

(b) Reports of blood lead test results shall contain all of the following:

(1) ~~the~~ The child's full name, date of birth, sex, race, ethnicity, address, and Medicaid number, if any; ~~any.~~

(2) ~~the~~ The name, address, and telephone number of the requesting health care provider; ~~provider.~~

(3) ~~the~~ The name, address, and telephone number of the testing laboratory; ~~laboratory.~~

(4) ~~the~~ The laboratory results, whether the specimen type—type is venous or capillary; the laboratory sample number, and the dates the sample was collected and analyzed. The reports may be made by electronic submissions.

(c) Reports of environmental lead test results shall contain all of the following:

(1) The address where the samples were collected.

(2) Sample type, such as dust, paint, soil, or water.

(3) Surface type, such as floor, window sill, or window trough.



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1 (4) Collection location.

2 (5) The name, address, and telephone number of the testing laboratory.

3 (6) The laboratory results, unit of measurement, the laboratory sample number,
4 and the dates the sample was collected and analyzed."

5 **SECTION 3.** G.S. 130A-248(d) reads as rewritten:

6 "(d) The Department shall charge each establishment subject to this section, except
7 nutrition programs for the elderly administered by the Division of Aging of the Department of
8 Health and Human Services, establishments that prepare and sell meat food products or poultry
9 products, and public school cafeterias, ~~an annual fee of fifty dollars (\$50.00).~~ cafeterias, a fee
10 of fifty dollars (\$50.00) for each permit issued. This fee shall be reassessed annually for
11 permits that do not expire. The Commission shall adopt rules to implement this subsection.
12 Fees collected under this subsection shall be used for State and local food, lodging, and
13 institution sanitation programs and activities. No more than thirty-three and one-third percent
14 (33 1/3%) of the fees collected under this subsection may be used to support State health
15 programs and activities."

16 **SECTION 4.(a)** Section 2 of S.L. 2007-438 reads as rewritten:

17 "**SECTION 2.** No later than ~~1 September 2009,~~ September 1, 2010, the Department of
18 Environment and Natural Resources shall develop and implement a plan to transition the North
19 Carolina Ecosystem Enhancement Program nutrient offset program from a fee-based program
20 to a program based on the actual costs of providing nutrient credits. The new program shall use
21 the least cost alternative for providing nutrient offset credits consistent with rules adopted by
22 the Environmental Management Commission for implementation of nutrient management
23 strategies in the Neuse River Basin and the Tar-Pamlico River Basin."

24 **SECTION 4.(b)** Section 5 of S.L. 2007-438 reads as rewritten:

25 "**SECTION 5.** This act becomes effective 1 September 2007 and applies to all nutrient
26 offset payments, including those set out in 15A NCAC 2B .0240, as adopted by the
27 Environmental Management Commission on 12 January 2006. The fee schedule set out in
28 Section 1 of this act expires ~~1 September 2009,~~ September 1, 2010."

29 **SECTION 5.** G.S. 105-187.63 reads as rewritten:

30 "**§ 105-187.63. Use of tax proceeds.**

31 From the taxes received pursuant to this Article, the Secretary may retain the costs of
32 collection, not to exceed two hundred twenty-five thousand dollars (\$225,000) a year, as
33 reimbursement to the Department. The Secretary must credit or distribute taxes received
34 pursuant to this Article, less the cost of collection, on a quarterly basis as follows:

35 (1) Fifty percent (50%) to the Inactive Hazardous Sites Cleanup Fund
36 established by G.S. 130A-310.11.

37 (2) Thirty-seven and one-half percent (37.5%) to cities and counties in the State
38 on a per capita basis, using the most recent annual estimate of population
39 certified by the State Budget Officer. One-half of this amount must be
40 distributed to cities, and one-half of this amount must be distributed to
41 counties. For purposes of this distribution, the population of a county does
42 not include the population of a city located in the county.

43 A city or county is excluded from the distribution under this subdivision
44 if it does not provide solid waste management programs and services and is
45 not responsible by contract for payment for these programs and services.
46 ~~services, unless it is served by a regional solid waste management authority~~
47 ~~established under Article 22 of Chapter 153A of the General Statutes.~~ The
48 Department of Environment and Natural Resources must provide the
49 Secretary with a list of the cities and counties that are excluded under this
50 subdivision. The list must be provided by May 15 of each year and applies to
51 distributions made in the fiscal year that begins on July 1 of that year.

1 Funds distributed under this subdivision must be used by a city or county
2 solely for solid waste management programs and services. ~~A city or county~~
3 ~~that receives funds under this subdivision and is served by a regional solid~~
4 ~~waste management authority must forward the amount it receives to that~~
5 ~~authority.~~

- 6 (3) Twelve and one-half percent (12.5%) to the Solid Waste Management Trust
7 Fund established by G.S. 130A-309.12."

8 **SECTION 6.(a)** Section 3(c) of S.L. 2005-190, as amended by Section 31(a) of
9 S.L. 2006-259, reads as rewritten:

10 "**SECTION 3.(c) Nutrient management strategy.** – The Environmental Management
11 Commission shall develop a nutrient management strategy for drinking water supply reservoirs
12 to which this section applies by ~~1 July 2009.~~July 1, 2010. The nutrient management strategy
13 shall be based on a calibrated nutrient response model that meets the requirement of
14 G.S. 143-215.1(c5). The nutrient management strategy shall include specific mandatory
15 measures to achieve the reduction goals. The Commission shall consider the cost of the
16 proposed measures in relation to the effectiveness of the measures. These measures could
17 include, but are not limited to, buffers, erosion and sedimentation control requirements,
18 post-construction stormwater management, agricultural nutrient reduction measures, the
19 addition of nutrient removal treatment processes to point source permitted wastewater
20 treatment plants, the removal of point source discharging wastewater treatments through
21 regionalization and conversion to non-discharge treatment technologies, and any other
22 measures that the Commission determines to be necessary to meet the nutrient reduction goals.
23 To the extent that one or more other State programs already mandate any of these measures, the
24 nutrient management strategy shall incorporate the mandated measures and any extension of
25 those measures and any additional measures that may be necessary to achieve the nutrient
26 reduction goals. In making a nutrient loading allocation to a permit holder, the Commission
27 shall, to the extent allowed by federal and State law, give consideration to all voluntary efforts
28 taken by the permit holder to protect water quality prior to the development of the nutrient
29 management strategy."

30 **SECTION 6.(b)** Section 3(e) of S.L. 2005-190, as amended by Section 31(b) of
31 S.L. 2006-259, reads as rewritten:

32 "**SECTION 3.(e) Implementation; rulemaking.** – The Environmental Management
33 Commission shall adopt permanent rules to implement the nutrient management strategies
34 required by this section by ~~1 July 2009.~~July 1, 2010. The rules shall require that reductions in
35 nutrient loading from all sources begin no later than five years after the rules become
36 effective."

37 **SECTION 7.** Sections 3, 5, and 6 of this act become effective July 1, 2009.
38 Sections 1, 2, 4, and 7 of this act are effective when this act becomes law.