

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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HOUSE BILL 308  
Committee Substitute Favorable 3/28/19  
Senate Agriculture/Environment/Natural Resources Committee Substitute Adopted  
6/17/20

Short Title: Various Ag/NER Changes. (Public)

Sponsors:

Referred to:

March 11, 2019

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE VARIOUS CHANGES TO LAWS GOVERNING MATTERS RELATED  
3 TO THE ENVIRONMENT AND NATURAL RESOURCES.

4 The General Assembly of North Carolina enacts:

5  
6 **NORTH CAROLINA ON-SITE WASTEWATER CONTRACTORS AND INSPECTORS**  
7 **CERTIFICATION BOARD/GRANT OF AUTHORITY TO HOLD REAL PROPERTY**

8 SECTION 1. G.S. 90A-74 reads as rewritten:

9 **"§ 90A-74. Powers and duties of the Board.**

10 The Board shall have the following general powers and duties:

- 11 (1) To adopt rules in the manner prescribed by Chapter 150B of the General  
12 Statutes to govern its actions and to implement the provisions of this Article.  
13 (2) To determine the eligibility requirements for persons seeking certification  
14 pursuant to this Article.  
15 (3) To establish grade levels of certifications based on design capacity,  
16 complexity, projected costs, and other features of approved on-site wastewater  
17 systems.  
18 (4) To develop and administer examinations for specific grade levels of  
19 certification as approved by the Board. The Board may approve applications  
20 by recognized associations for certification of its members after a review of  
21 the requirements of the association to ensure that they are equivalent to the  
22 requirements of the Board.  
23 (5) To issue, renew, deny, restrict, suspend, or revoke certifications and to carry  
24 out any of the other actions authorized by this Article.  
25 (6) To establish, publish, and enforce rules of professional conduct of persons  
26 who are certified pursuant to this Article.  
27 (7) To maintain a record of all proceedings and make available to persons  
28 certified under this Article, and to other concerned parties, an annual report of  
29 all Board action.  
30 (8) To establish reasonable fees for application, certification, and renewal, and  
31 other services provided by the Board.  
32 (9) To conduct investigations to determine whether violations of this Article or  
33 grounds for disciplining persons certified under this Article exist.



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- 1 (10) To adopt a common seal containing the name of the Board for use on all  
2 certificates and official reports issued by the Board.
- 3 (10a) To employ staff necessary to carry out the provisions of this Article and to  
4 determine the compensation, duties, and other terms and conditions of  
5 employment of its staff.
- 6 (10b) To employ professional, clerical, investigative, or special personnel necessary  
7 to carry out the provisions of this Article.
- 8 (10c) To acquire, hold, convey, rent, encumber, alienate, and otherwise deal with  
9 real property in the same manner as a private person or corporation, subject  
10 only to the approval of the Governor and Council of State. The rents, proceeds,  
11 and other revenues and benefits of the ownership of real property shall inure  
12 to the Board. Collateral pledged by the Board for any encumbrance of real  
13 property shall be limited to the assets, income, and revenues of the Board.
- 14 (11) To conduct other services necessary to carry out the purposes of this Article."  
15

## 16 ALLOW DIVISION OF COASTAL MANAGEMENT TO ACCEPT ELECTRONIC 17 PAYMENTS

18 SECTION 2. G.S. 113A-119 reads as rewritten:

### 19 "§ 113A-119. Permit applications generally.

20 (a) Any person required to obtain a permit under this Part shall file with the Secretary  
21 and (in the case of a permit sought from a city or county) with the designated local official an  
22 application for a permit in accordance with the form and content designated by the Secretary and  
23 approved by the Commission. The applicant must submit with the application ~~a check~~ an  
24 electronic payment, check, or money order payable to the Department or the city or county, as  
25 the case may be, constituting a fee set by the Commission pursuant to G.S. 113A-119.1.

26 ...."  
27

## 28 ALLOW THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO ESTABLISH 29 EMERGENCY MEASURES AND PROCEDURES APPLICABLE TO SOLID WASTE 30 MANAGEMENT DURING A STATE OF EMERGENCY DECLARED BY THE 31 GOVERNOR

32 SECTION 3. G.S. 130A-303 reads as rewritten:

### 33 "§ 130A-303. Imminent hazard.

34 (a) The judgment of the Secretary that an imminent hazard exists concerning solid waste  
35 shall be supported by findings of fact made by the Secretary.

36 (b) In order to eliminate an imminent hazard, the Secretary may, without notice or  
37 hearing, issue an order requiring that immediate action be taken to protect the public health or  
38 the environment. This order may be directed to a generator or transporter of solid waste or to the  
39 owner or operator of a solid waste management facility. Where the imminent hazard is caused  
40 by an inactive hazardous substance or waste disposal site, the Secretary shall follow the  
41 procedures set forth in G.S. 130A-310.5.

42 (c) When a state of emergency, as defined in G.S. 166A-19.3, has been declared by the  
43 Governor due to a natural disaster such as a pandemic, epidemic, hurricane or flood, or due to a  
44 pending disaster, the Secretary, or an authorized representative of the Secretary, may, upon  
45 request of a public or private landfill operator, or on the Secretary's own initiative, develop and  
46 implement any emergency measures and procedures that the Secretary deems necessary for the  
47 proper management of solid waste generated during the declared emergency. All State agencies  
48 and political subdivisions of the State shall cooperate with the implementation of the emergency  
49 measures and procedures developed pursuant to this section. Such emergency procedures and  
50 measures may include any of the following: (i) restrictions on the collection, storage, and  
51 transportation of solid waste, (ii) decisions on facility operational conditions such as operational

1 times and waste acceptance, and (iii) any other measures or procedures necessary to allow for  
2 the proper disposal of solid waste within impacted communities. Written notice of emergency  
3 measures and procedures developed and implemented pursuant to this subsection shall be  
4 provided to news media, waste organizations, governmental agencies, solid waste facilities, and  
5 any other interested or affected parties as determined by the Secretary. Emergency measures and  
6 procedures developed and implemented pursuant to this section shall expire no more than 60  
7 days after a declaration of a state of emergency has expired or been rescinded by the Governor."

## 9 **EXEMPT UNITS OF GOVERNMENT FROM BEING CHARGED A SYSTEM** 10 **DEVELOPMENT FEE**

11 **SECTION 4.(a)** G.S. 162A-203 is amended by adding a new subsection to read:

12 "(c) A local government unit shall not charge the State or any political subdivision of the  
13 State a system development fee."

14 **SECTION 4.(b)** This section is effective when it becomes law and applies to existing  
15 municipal or county ordinances imposing a system development fee under Article 8 of Chapter  
16 162A of the General Statutes. Any municipal or county ordinance inconsistent with  
17 G.S. 162A-203(c), as enacted by this section, is void and unenforceable against the State or any  
18 political subdivision of the State. Any system development fee paid by the State or a political  
19 subdivision of the State between October 1, 2017, and July 1, 2020, shall be reimbursed to the  
20 State or political subdivision upon written request submitted to the local government unit by  
21 October 1, 2020.

## 23 **ABANDONED AND DERELICT VESSELS**

24 **SECTION 5.** Subdivision (10) of Section 2.1 of S.L. 2019-224 reads as rewritten:

25 "(10) \$1,000,000 to the Wildlife Resource Commission (WRC) to inspect,  
26 investigate, and remove ~~derelict and abandoned water~~ abandoned and derelict  
27 vessels. Notwithstanding any provision of law in Chapter 75A of the General  
28 Statutes, the WRC is authorized to use these and other available funds to  
29 inspect, investigate, ~~and remove~~ remove, and dispose of abandoned and  
30 derelict vessels. Prior to removing and disposing of a vessel under this  
31 subdivision, the WRC shall (i) send written notice to the last known owner of  
32 the status of the vessel if an owner can be determined and (ii) post a notice on  
33 the vessel advising that the vessel is abandoned. If no response to the written  
34 notice to owner or the notice posted on the vessel is received within 30 days  
35 indicating intent to recover while taking specific acts to remove the vessel,  
36 then the WRC may proceed with removal and disposal of the vessel. The  
37 WRC may remove and dispose of abandoned and derelict vessels on private  
38 property after receiving written permission from the property owner and  
39 following the other procedures set forth in this section. The WRC shall  
40 prioritize the use of State funds for the removal of abandoned and derelict  
41 vessels located on public waters and lands. As used in this subdivision, the  
42 phrase "abandoned and derelict vessel" means ~~a water going craft located in~~  
43 a canal or the Intracoastal Waterway that has been damaged or destroyed by  
44 weather related events and that is impeding water traffic. The phrase does not  
45 apply to a vessel that is moored to a dock or otherwise not located in an area  
46 of normal water traffic. ~~WRC may also remove and dispose of vessels~~  
47 identified by the Marine Patrol of the Division of Marine Fisheries: a vessel,  
48 as defined in G.S. 75A-2(5), that is left or stored for more than 30 days in one  
49 of the following states:

50 a. In a wrecked, junked, or substantially damaged or dismantled  
51 condition upon any public waters and lands of the State.

- 1                    b. At a harbor or anchorage within public waters of the State without the  
2                    consent of the public agency having jurisdiction thereof.  
3                    c. Docked, grounded, or beached upon the property of another without  
4                    the consent of the owner of the property."  
5

6 **CLARIFY FUNDING FOR THE LINDSEY BRIDGE DAM REPAIR AND STREAM**  
7 **RESTORATION PROJECT IN ROCKINGHAM COUNTY**

8                    **SECTION 6.** Funds allocated for the Lindsey Bridge Dam Repair and Stream  
9 Restoration project by Section 36.3(a) of S.L. 2018-5 shall be reallocated to provide a directed  
10 grant (as defined in Section 7(a) of this act) to the Town of Madison for the Lindsey Bridge Dam  
11 Repair and Stream Restoration project.

12                    **SECTION 7.(a)** Definitions. – For purposes of this section, the following definitions  
13 apply:

- 14                    (1) Directed grant. – Nonrecurring funds allocated by a State agency to a  
15 non-State entity as directed by an act of the General Assembly.  
16                    (2) Non-State entity. – As defined in G.S. 143C-1-1.

17                    **SECTION 7.(b)** Requirements. – Nonrecurring funds appropriated in this section as  
18 directed grants are subject to all of the following requirements:

- 19                    (1) Directed grants are subject to the provisions of subsections (b) through (k) of  
20 G.S. 143C-6-23.  
21                    (2) Directed grants of one hundred thousand dollars (\$100,000) or less may be  
22 made in a single annual payment in the discretion of the Director of the  
23 Budget. Directed grants of more than one hundred thousand dollars  
24 (\$100,000) shall be made in quarterly or monthly payments in the discretion  
25 of the Director of the Budget. A State agency administering a directed grant  
26 shall begin disbursement of funds to a non-State entity that meets all  
27 applicable requirements as soon as practicable, but no later than 100 days after  
28 the date this act becomes law.  
29                    (3) Beginning on the first day of a quarter following the deadline provided in  
30 subdivision (2) of this subsection and quarterly thereafter, State agencies  
31 administering directed grants shall report to the Fiscal Research Division on  
32 the status of funds disbursed for each directed grant until all funds are fully  
33 disbursed. At a minimum, the report required under this subdivision shall  
34 include updates on (i) the date of the initial contact, (ii) the date the contract  
35 was sent to the entity receiving the funds, (iii) the date the disbursing agency  
36 received the fully executed contract back from the entity, (iv) the contract  
37 execution date, and (v) the payment date.  
38                    (4) Notwithstanding any provision of G.S. 143C-1-2(b) to the contrary,  
39 nonrecurring funds appropriated in this act as directed grants shall not revert  
40 until June 30, 2021.  
41                    (5) Directed grants to nonprofit organizations are for nonsectarian, nonreligious  
42 purposes only.

43                    **SECTION 7.(c)** This section expires on June 30, 2021.  
44

45 **MERCURY SWITCH PROGRAM EXTENSION**

46                    **SECTION 8.(a)** Section 9 of S.L. 2007-142, as amended by Section 14.1(a) of S.L.  
47 2016-94 and Section 13.21(a) of S.L. 2017-57, reads as rewritten:

48                    "**SECTION 9.** Sections 1, 2, 6, 7, and 9 of this act become effective when this act becomes  
49 law. Sections 3, 4, and 8 of this act become effective 1 July 2007. Section 5 of this act becomes  
50 effective 1 July 2007 and applies to violations that occur on or after that date. The Department  
51 shall submit the first annual report required by G.S. 130A-310.57, as enacted by Section 7 of this

1 act, on or before 1 October 2008. Effective ~~June 30, 2021, June 30, 2031~~, Part 6 of Article 9 of  
2 Chapter 130A of the General Statutes, as amended by this act, is repealed."

3 **SECTION 8.(b)** Section 14.1(c) of S.L. 2016-94, as amended by Section 13.21(b)  
4 of S.L. 2017-57, reads as rewritten:

5 "**SECTION 14.1.(c)** Subsection (b) of this section becomes effective ~~June 30, 2021, June~~  
6 ~~30, 2031~~. Funds remaining in the Mercury Pollution Prevention Fund (Fund Code 24300-2119)  
7 on that date shall be transferred to the Division of Waste Management (Fund Code 14300-1760)."

8 **SECTION 8.(c)** This section becomes effective June 30, 2020.  
9

## 10 COLLABORATORY REPORTING CHANGES

11 **SECTION 9.(a)** Section 13.1(g) of S.L. 2018-5, as amended by Section 7(d) of S.L.  
12 2019-241, reads as rewritten:

13 "**SECTION 13.1.(g)** The North Carolina Policy Collaboratory at the University of North  
14 Carolina at Chapel Hill (Collaboratory) shall identify faculty expertise, technology, and  
15 instrumentation, including mass spectrometers, located within institutions of higher education in  
16 the State, including the Universities of North Carolina at Chapel Hill and Wilmington, North  
17 Carolina State University, North Carolina A&T State University, Duke University, and other  
18 public and private institutions, and coordinate these faculty and resources to conduct nontargeted  
19 analysis for PFAS, including GenX, at all public water supply surface water intakes and one  
20 public water supply well selected by each municipal water system that operates groundwater  
21 wells for public drinking water supplies as identified by the Department of Environmental  
22 Quality, to establish a water quality baseline for all sampling sites. The Collaboratory, in  
23 consultation with the participating institutions of higher education, shall establish a protocol for  
24 the baseline testing required by this subsection, as well as a protocol for periodic retesting of the  
25 municipal intakes and additional public water supply wells. No later than ~~October 15, 2020, April~~  
26 ~~15, 2021~~, the Collaboratory shall report the results of such sampling by identifying chemical  
27 families detected at each intake to the Joint Legislative Oversight Committee on Agriculture and  
28 Natural and Economic Resources, the Environmental Review Commission, the Department of  
29 Environmental Quality, the Department of Health and Human Services, and the United States  
30 Environmental Protection Agency."

31 **SECTION 9.(b)** Section 2.1 of S.L. 2019-224, reads as rewritten:

32 "**SECTION 2.1.** Allocations. – The funds appropriated and reallocated in Part I of this act  
33 in the Hurricane Florence Disaster Recovery Fund shall be allocated as follows:  
34

35 ...

36 (8) \$10,160,000 to The University of North Carolina Board of Governors to be  
37 used as follows:

38 a. \$160,000 to the North Carolina Policy Collaboratory (Collaboratory)  
39 for the ModMon program.

40 b. \$2,000,000 to the Collaboratory to study flooding and resiliency  
41 against future storms in Eastern North Carolina and to develop an  
42 implementation plan with recommendations. The Collaboratory shall  
43 report the flooding and resiliency implementation plan to the Joint  
44 Legislative Emergency Management Oversight Committee no later  
45 than ~~December 1, 2020, June 1, 2021~~. Notwithstanding Section 3.1(c)  
46 of S.L. 2018-134, funds allocated to the Collaboratory as provided in  
47 this sub-subdivision shall revert on ~~December 30, 2020, June 30, 2021~~.  
48 The University of North Carolina shall not charge indirect facilities  
49 and administrative costs against the funding provided for the  
Collaboratory from the Hurricane Florence Disaster Recovery Fund.

1 c. \$8,000,000 to the University of North Carolina Wilmington (UNC-W)  
2 for repairs and renovations to the Dobo Hall science building, which  
3 was damaged by Hurricane Florence.  
4 ...."

5 **SECTION 9.(c)** Section 11.8 of S.L. 2016-94 reads as rewritten:

6 "**SECTION 11.8.** The one million dollars (\$1,000,000) in recurring funds appropriated in  
7 this act to the Board of Governors of The University of North Carolina for the 2016-2017 fiscal  
8 year to establish and operate a North Carolina Policy Collaboratory at the University of North  
9 Carolina at Chapel Hill shall be used to establish a Collaboratory that facilitates the dissemination  
10 of the policy and research expertise of The University of North Carolina and other institutions of  
11 higher learning within North Carolina for practical use by State and local ~~government.~~  
12 ~~government, although, wherever possible, funding preference may be given to campuses within~~  
13 The University of North Carolina System. Institutions receiving research funding from the  
14 Collaboratory shall not charge for indirect overhead costs against any research funds received by  
15 the Collaboratory. The Collaboratory, at a minimum, shall conduct research on natural resources  
16 management, including, but not limited to, research related to the environmental and economic  
17 components of the management of the natural resources within the State of North Carolina and  
18 of new technologies for habitat, environmental, and water quality improvement. The  
19 Collaboratory shall develop and disseminate relevant best practices to interested parties, may  
20 lead or participate in projects across the State related to natural resource management, and may  
21 make recommendations to the General Assembly from time to time."  
22

23 **EFFECTIVE DATE**

24 **SECTION 10.** Except as otherwise provided, this act is effective when it becomes  
25 law.