

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL 389
House Committee Substitute Favorable 9/1/21

Short Title: DEQ/DNCR Omnibus.-AB

(Public)

Sponsors:

Referred to:

March 30, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CHANGES TO THE NATURAL, ENVIRONMENTAL, AND
3 CULTURAL RESOURCES LAWS OF THE STATE, AS RECOMMENDED BY THE
4 DEPARTMENTS OF ENVIRONMENTAL QUALITY AND NATURAL AND
5 CULTURAL RESOURCES.

6 The General Assembly of North Carolina enacts:

7
8 **MODIFY CONDITIONS FOR STATE FUNDING OF BEACH ACCESS PROPERTY**

9 **SECTION 1.** G.S. 113A-134.3(c) reads as rewritten:

10 "(c) Subject to any restrictions imposed by law, any funds appropriated or otherwise made
11 available to the Public Beach and Coastal Waterfront Access Program (Program) may be used to
12 meet matching requirements for federal or other funds. The Department shall make every effort
13 to obtain funds from sources other than the General Fund to implement this program. Funds may
14 be used to acquire or develop land for pedestrian access including parking and to make grants to
15 local governments to accomplish the purposes of this Part. All acquisitions or dispositions of
16 property made pursuant to this Part shall be in accordance with the provisions of Chapter 146 of
17 the General Statutes. All grants to local governments pursuant to this Part for land acquisitions
18 shall be made on the ~~condition that~~ following conditions:

19 (1) ~~the~~ The local government agrees to transfer title to any real property acquired
20 with the grant funds to the State if dedicate acquired lands in perpetuity for
21 public access and for the benefit of the general public. The dedication shall be
22 recorded in the office of the register of deeds in the county where the dedicated
23 lands are located.

24 (2) If Program grant funds are used to acquire a lease or easement, the lease or
25 easement agreement shall have a minimum term of 25 years.

26 (3) If the local government uses the property for a purpose other than beach or
27 coastal waters access, access or elects to sell or otherwise dispose of the
28 property, the local government shall reimburse the State an amount that is the
29 greater of (i) the amount of Program grant funds provided to purchase the
30 property or (ii) an amount equal to the same proportion of the current market
31 value of the property as the proportion of the original purchase price of the
32 property funded with Program grant funds."

33
34 **MODERNIZE COASTAL AREA MANAGEMENT ACT NOTIFICATION**
35 **REQUIREMENTS**

36 **SECTION 2.(a)** G.S. 113A-119(b) reads as rewritten:



1 "(b) Upon receipt of any application, a significant modification to an application for a
 2 major permit, or an application to modify substantially a previously issued major permit, the
 3 Secretary shall issue public notice of the proposed development (i) ~~by mailing a copy of the~~
 4 ~~application or modification, or a brief description thereof together with a statement indicating~~
 5 ~~where a detailed copy of the proposed development may be inspected, to any citizen or group~~
 6 ~~which has filed a request to be notified of the proposed development, and to any interested State~~
 7 ~~agency;~~ (ii) with the exception of minor permit applications, by posting or causing to be posted
 8 a notice at the location of the proposed development stating that an application, a modification
 9 of an application for a major permit, or an application to modify a previously issued major permit
 10 for development has been made, where the application or modification may be inspected, and the
 11 time period for comments; and ~~(iii)~~ (ii) with the exception of minor permit applications, by
 12 publishing notice of the application or modification at least once in one newspaper of general
 13 circulation in the county or counties wherein the development would be located at least 20 days
 14 before final action on a major permit or before the beginning of the hearing on a permit under
 15 G.S. 113A-122. The notice shall set out that any comments on the development should be
 16 submitted to the Secretary by a specified date, not less than 15 days from the date of the
 17 newspaper publication of the notice or 15 days after mailing of the mailed notice, whichever is
 18 later."

19 **SECTION 2.(b)** G.S. 113A-124(a) reads as rewritten:

20 "(a) The Secretary shall have the following additional powers and duties under this
 21 Article:

22 ...

23 (3) ~~To keep a list of interested persons who wish to be notified of proposed~~
 24 ~~developments and proposed rules designating areas of environmental concern~~
 25 ~~and to so notify these persons of such proposed developments by regular mail.~~
 26 ~~A reasonable registration fee to defray the cost of handling and mailing notices~~
 27 ~~may be charged to any person who so registers with the Commission.~~

28 "

29 **SECTION 2.(c)** This section is effective July 1, 2021, and applies to permit
 30 applications received on or after that date.

31 32 **COASTAL AREA MANAGEMENT ACT PERMIT THIRD-PARTY APPEAL REVIEW** 33 **TIME LINE**

34 **SECTION 3.(a)** G.S. 113A-121.1(b) reads as rewritten:

35 "(b) A person other than a permit applicant or the Secretary who is dissatisfied with a
 36 decision to deny or grant a minor or major development permit may file a petition for a contested
 37 case hearing only if the Commission determines that a hearing is appropriate. A request for a
 38 determination of the appropriateness of a contested case hearing shall be made in writing and
 39 received by the Commission within 20 days after the disputed permit decision is made. A
 40 determination of the appropriateness of a contested case shall be made within ~~15~~ 30 days after a
 41 request for a determination is received and shall be based on whether the person seeking to
 42 commence a contested case:

- 43 (1) Has alleged that the decision is contrary to a statute or rule;
 44 (2) Is directly affected by the decision; and
 45 (3) Has alleged facts or made legal arguments that demonstrate that the request
 46 for the hearing is not frivolous.

47 If the Commission determines a contested case is appropriate, the petition for a contested
 48 case shall be filed within 20 days after the Commission makes its determination. A determination
 49 that a person may not commence a contested case is a final agency decision and is subject to
 50 judicial review under Article 4 of Chapter 150B of the General Statutes. If, on judicial review,
 51 the court determines that the Commission erred in determining that a contested case would not

1 be appropriate, the court shall remand the matter for a contested case hearing under G.S. 150B-23
 2 and final decision on the permit pursuant to G.S. 113A-122. Decisions in such cases shall be
 3 rendered pursuant to those rules, regulations, and other applicable laws in effect at the time of
 4 the commencement of the contested case."

5 **SECTION 3.(b)** This section becomes effective October 1, 2021, and applies to
 6 requests for determination of appropriateness received by the Coastal Resources Commission on
 7 or after that date.

9 **STORMWATER PROGRAM AMENDMENTS**

10 **SECTION 4.(a)** G.S. 143-214.7 reads as rewritten:
 11 **"§ 143-214.7. Stormwater runoff rules and programs.**

12 ...

13 (b4) New stormwater permits and stormwater permits that are reissued due to transfer,
 14 modification, or renewal shall require the permittee to submit an annual certification on the
 15 project's conformance with permit conditions. The annual certification shall be completed by the
 16 permit holder or their designee. The Department shall not require the annual certification to be
 17 completed by another party besides the permit holder or their designee. The Department shall
 18 provide an electronic means of submittal for the permit holder or their designee to satisfy the
 19 annual certification requirement. The addition of annual certification requirements to an existing
 20 permit or certification shall not be considered to be a new or increased stormwater control.

21 ...

22 (c5) The Department may transfer a permit issued pursuant to this section without the
 23 consent of the permit holder ~~to~~ or of a successor-owner of the property on which the permitted
 24 activity is occurring or will occur as provided in this subsection:

25 (1) The Department may ~~transfer a permit if~~ require the submittal of an
 26 application for a permit transfer when all of the following conditions are met:

27 ~~a. The successor owner of the property submits to the Department a~~
 28 ~~written request for the transfer of the permit.~~

29 ~~b. The Department finds all of the following:~~

30 ~~1.a.~~ The permit holder is one of the following:

31 ~~I.1.~~ A natural person who is deceased.

32 ~~II.2.~~ A partnership, limited liability corporation, corporation, or any
 33 other business association that has been ~~dissolved~~ dissolved,
 34 has completed the winding up of the business as required by
 35 law or equity, and does not have a successor-in-interest to the
 36 permit.

37 ~~III.3.~~ A person or entity who has been lawfully and finally divested
 38 of title to the property on which the permitted activity is
 39 occurring or will ~~occur~~ occur through foreclosure, bankruptcy,
 40 or other legal proceeding.

41 ~~IV.4.~~ A person or entity who has sold the property on which the
 42 permitted activity is occurring or will occur.

43 ~~b.~~ The successor-owner is one of the following:

44 ~~2.1.~~ The successor owner holds A person or entity holding title to
 45 the property on which the permitted activity is occurring or will
 46 occur.

47 ~~3.2.~~ The successor owner is the sole The claimant of the right to
 48 engage in the permitted activity.

49 ~~3.~~ An association, as defined in G.S. 47C-1-103 or
 50 G.S. 47F-1-103.

- 1 4. Any other natural person, group of persons, or entity deemed
2 appropriate by the Department to operate and maintain the
3 permit.
- 4 4.c. There will be no substantial change in the permitted activity.
- 5 (1a) The permit transfer application shall be submitted jointly by the permit holder
6 and the successor-owner except that the successor-owner may solely submit
7 the application in any of the following circumstances:
- 8 a. The permit holder is a natural person who is deceased or is a business
9 association that is described by sub-sub-subdivision (1)a.2. of this
10 subsection.
- 11 b. The successor-owner requests that the Department accept the
12 application without the signature of the permit holder.
- 13 (1b) When the permit transfer conditions set forth in subdivision (1) of this
14 subsection are met on or after July 1, 2021, the Department shall require that
15 a permit transfer application be submitted within 90 days.
- 16 (1c) When the permit transfer conditions set forth in subdivision (1) of this
17 subsection were met prior to July 1, 2021, the Department may request a
18 permit transfer application at any time after determining that the permit
19 transfer conditions have been met and may require this application be
20 submitted within 180 days of the request. Where a permit holder can
21 demonstrate to the Department that the activity on the property was in
22 substantial compliance with its permit in the period either 12 months
23 immediately before or after the conditions of subdivision (1) of this subsection
24 were met, then the requirements included in subdivision (1d) of this
25 subsection shall be the sole responsibility of the successor-owner.
- 26 (1d) If the activity on the property does not conform to the approved plans and
27 permit conditions, then the permit transfer application shall include one of the
28 following:
- 29 a. A written schedule of actions to bring permitted activities into
30 compliance with the approved plans and permit conditions within one
31 calendar year.
- 32 b. If there has been or will be a modification to the permitted activity, an
33 application for a permit modification. For low density permits, the
34 permit modification application may include a request for an updated
35 built-upon area limit pursuant to subsection (c6) of this section.
- 36 (2) ~~The permit holder shall comply with all terms and conditions of the permit~~
37 ~~until such time as the permit is transferred.~~
- 38 (3) ~~The successor owner shall comply with all terms and conditions of the permit~~
39 ~~once the permit has been transferred.~~
- 40 (4) Notwithstanding changes to law made after the original issuance of the permit,
41 the Department ~~may shall~~ not impose new or different terms and conditions
42 ~~in the permit design standards on the project~~ without the prior express consent
43 of the successor-owner.
- 44 (c6) With respect to low density permits issued prior to January 1, 2017, that have
45 exceeded a permitted built-upon area limit, the permittee may submit an application for a permit
46 modification that limits built-upon area to the current level. If this request is granted, then the
47 Department shall reissue the permit with an updated built-upon area limit as follows:
- 48 (1) If the built-upon area for the project is less than or equal to one hundred ten
49 percent (110%) of the maximum allowable built-upon area for the low density
50 permits, the Department shall issue an updated permit based on the current
51 amount of built-upon area. The permittee shall include compliance with the

1 updated built-upon area limit in the annual certification required by subsection
 2 (b4) of this section.

3 (2) If the built-upon area exceeds one hundred ten percent (110%) of the
 4 maximum allowable built-upon area for low density permits at the time of
 5 permit issuance, then the Department shall require the permittee to mitigate
 6 the impacts of the excess built-upon area to the greatest extent practicable by
 7 the addition of one or more stormwater control measures on the property
 8 before issuing an updated permit.

9"

10 **SECTION 4.(b)** Low density stormwater certifications and approvals issued prior to
 11 September 1, 1995, are revoked as of January 1, 2022, and the built-upon area shall be considered
 12 as existing development for purposes of G.S. 143-214.7(a1). Any future development on the
 13 project or site shall comply with the requirements of G.S. 143-214.7 and any recorded deed
 14 restrictions.

15 **SECTION 4.(c)** G.S. 143-215.6A(a) reads as written:

16 "(a) A civil penalty of not more than twenty-five thousand dollars (\$25,000) may be
 17 assessed by the Secretary against any person who:

18 ...

19 (11) Violates or fails to act in accordance with ~~G.S.~~
 20 ~~143-214.7(d1)~~-G.S. 143-214.7."

21 **CONFORM SEDIMENTATION AND EROSION CONTROL PROGRAM PENALTY** 22 **REMISSION REQUEST TIME LINE**

23 **SECTION 5.(a)** G.S. 113A-64.2(a) reads as rewritten:

24 "(a) A request for remission of a civil penalty imposed under G.S. 113A-64 may be filed
 25 with the Commission within ~~60-30~~ days of receipt of the notice of assessment. A remission
 26 request must be accompanied by a waiver of the right to a contested case hearing pursuant to
 27 Chapter 150B of the General Statutes and a stipulation of the facts on which the assessment was
 28 based."
 29

30 **SECTION 5.(b)** This section becomes effective October 1, 2021, and applies to
 31 penalties assessed on or after that date.
 32

33 **UST TRUST FUND PAYMENT REQUEST TIME LINE EXTENSION**

34 **SECTION 6.** G.S. 143-215.94E(k) reads as rewritten:

35 "(k) An owner, operator, or landowner shall request payment or reimbursement from the
 36 Commercial Fund for the cost of a task within one year after the completion of the task. The
 37 Department shall deny any request for payment or reimbursement of the cost of any task that
 38 would otherwise be eligible to be paid or reimbursed if the request is not received within 12
 39 months after the later of the date on which the:

40 (1) Department determines that the cost is eligible to be paid or reimbursed.

41 (2) Task is completed.

42 If the Department determines after review of the request that additional information is
 43 required in order to determine payment eligibility, the Department may allow the applicant up to
 44 30 days to respond to the request for additional information, and this additional response time
 45 shall not be included in determining whether a request met the 12-month deadline imposed by
 46 this section."
 47

48 **MODIFY AND SIMPLIFY HAZARDOUS WASTE SITE NOTICES**

49 **SECTION 7.(a)** G.S. 130A-310.8 reads as rewritten:

50 "**§ 130A-310.8. Recordation of ~~inactive hazardous substance or waste disposal sites notices~~**
 51 **of environmental contamination and notices of restricted use.**

1 (a) After determination by the Department of the ~~existence and location and general~~
2 extent of contamination of an inactive hazardous substance or waste disposal site, the owner of
3 the real property on which the site is located, within ~~180 days~~ 90 days after official notice to the
4 owner to do so, shall submit to the Department a survey plat of areas designated by the
5 Department that has been prepared and certified by a professional land surveyor, and entitled
6 ~~"NOTICE OF INACTIVE HAZARDOUS SUBSTANCE OR WASTE DISPOSAL SITE".~~
7 "NOTICE OF ENVIRONMENTAL CONTAMINATION." If the Notice is submitted pursuant
8 to a remedial action plan approved by the Department for the property, the Notice may be entitled
9 "NOTICE OF RESTRICTED USE." Where an inactive hazardous substance or waste disposal
10 site is located on more than one parcel or tract of land, a composite map or plat showing all
11 parcels or tracts may be recorded. The Notice shall include a legal description of the site that
12 would be sufficient as a description in an instrument of conveyance, shall meet the requirements
13 of G.S. 47-30 for maps and plats, and shall identify:

- 14 (1) The location ~~and dimensions of the disposal areas and areas of potential~~
15 environmental concern exceeding unrestricted use standards as defined in
16 G.S. 130A-310.65 with respect to permanently surveyed benchmarks.
- 17 (2) The type, location, and quantity of hazardous substances known ~~by the owner~~
18 of the site to exist on the site.
- 19 (3) Any restrictions approved by the Department on the current or future use of
20 the site.

21 ...

22 (e) When property that contains, or is a portion of, an inactive hazardous substance or
23 waste disposal site is sold, leased, conveyed, or transferred, the deed or other instrument of
24 transfer shall contain in the description section, in no smaller type than that used in the body of
25 the deed or instrument, a statement that hazardous substances are present in environmental media
26 at the property has been used as a hazardous substance or waste disposal site and, if applicable,
27 that the property has been remediated under this Part with the approval of the Department by use
28 of land use controls and a shall reference by book and page to the recordation of the Notice.

29 (f) ~~A Notice of Inactive Hazardous Substance or Waste Disposal Site~~ A Notice of
30 Environmental Contamination or Notice of Restricted Use filed pursuant to this section may, at
31 the request of the owner of the land, be cancelled by the Secretary after the hazards have been
32 eliminated. If requested in writing by the owner of the land and if the Secretary concurs with the
33 request, the Secretary shall send to the register of deeds of each county where the Notice is
34 recorded a statement that the hazards have been eliminated and request that the Notice be
35 cancelled of record. The Secretary's statement shall contain the names of the owners of the land
36 as shown in the Notice and reference the plat book and page where the Notice is recorded.

37 ...

38 (i) If a site subject to the requirements of this section is remediated pursuant to the
39 requirements of Part 8 of Article 9 of Chapter 130A of the General Statutes, a Notice of ~~Residual~~
40 Contamination-Restricted Use may be prepared and filed in accordance with ~~G.S.~~
41 ~~130A-310.71(a)(9), G.S. 130A-310.71(e)~~ in lieu of a Notice ~~prepared and filed pursuant to this~~
42 section of Residual Contamination."

43 **SECTION 7.(b)** G.S. 143-215.85A(g) reads as rewritten:

44 "(g) If a site subject to the requirements of this section is remediated pursuant to the
45 requirements of Part 8 of Article 9 of Chapter 130A of the General Statutes, a Notice of ~~Residual~~
46 Contamination-Restricted Use may be prepared and ~~filed~~ filed, with the approval of the
47 Department and in accordance with G.S. 130A-310.71(a)(9), G.S. 130A-310.71(e) in lieu of a
48 Notice ~~prepared and filed pursuant to this section of Residual Contamination or a Notice of Oil~~
49 or Hazardous Substance Discharge Site."

50 **SECTION 7.(c)** G.S. 143B-279.10(i) reads as rewritten:

1 "(i) If a site subject to the requirements of this section is remediated pursuant to the
2 requirements of Part 8 of Article 9 of Chapter 130A of the General Statutes, a Notice of ~~Residual~~
3 ~~Contamination-Restricted Use~~ may be prepared and filed in accordance with ~~G.S. 130A~~
4 ~~310.71(a)(9), G.S. 130A-310.71(e)~~ in lieu of a Notice ~~prepared and filed pursuant to this~~
5 ~~section of Residual Contamination or a Notice of Contaminated Site.~~"

7 **REVISE AND CLARIFY BASINWIDE WATER RESOURCES MANAGEMENT PLANS**

8 **SECTION 8.** G.S. 143-215.8B reads as rewritten:

9 "**§ 143-215.8B. Basinwide water quality-resources management plans.**

10 (a) The Commission shall develop and implement a basinwide water quality-resources
11 management plan for each of the 17 major river basins in the State. In developing and
12 implementing each plan, the Commission shall consider the cumulative impacts of all of the
13 following:

14 (1) All activities across a river basin ~~and that impact surface or ground water~~
15 quality, including all point sources and nonpoint sources of pollutants,
16 ~~including such as municipal wastewater facilities, industrial wastewater~~
17 ~~systems, septic tank systems, stormwater management systems, golf courses,~~
18 ~~farms that use fertilizers and pesticides for crops, public and commercial~~
19 ~~lawns and gardens, waste disposal sites, atmospheric deposition, and animal~~
20 ~~operations.~~

21 (2) All water withdrawals and transfers into and from a river basin that are
22 required to be registered under G.S. 143-215.22H.

23 (b) Each basinwide water quality-resources management plan shall:

24 (1) Provide that all point sources and nonpoint sources of pollutants jointly share
25 the responsibility of reducing the pollutants in the State's waters in a fair,
26 reasonable, and proportionate manner, using computer modeling and the best
27 science and technology reasonably available and considering future
28 anticipated population growth and economic development.

29 (2) If any of the waters located within the river basin are designated as nutrient
30 sensitive waters, then the basinwide water quality-resources management plan
31 shall ~~establish a goal to reduce the average annual mass load of nutrients that~~
32 ~~are delivered to surface waters within the river basin from point and nonpoint~~
33 ~~sources. The report on the status of those waters. In addition, the~~ Commission
34 shall establish a nutrient reduction goal for the nutrient or nutrients of concern
35 that will result in improvements to water quality such that the designated uses
36 of the water, as provided in the classification of the water under
37 G.S. 143-214.1(d), are not impaired. The plan shall ~~require report on the~~
38 incremental progress toward achieving the goal. In developing the plan, the
39 Commission shall determine and allow appropriate credit toward achieving
40 the goal for reductions of water pollution by point and nonpoint sources
41 through voluntary measures.

42 (3) Provide surface and ground water resources to the extent known by the
43 Department, other withdrawals, permitted minimum instream flow
44 requirements and evident needs, and pertinent information contained in local
45 water supply plans and water shortage response plans.

46 (c) The Commission shall review and revise its 17 basinwide water quality-resources
47 management plans at least every 10 years to reflect changes in water quality, water quantity,
48 improvements in modeling methods, improvements in wastewater treatment technology,
49 advancements in water conservation and reuse, and advances in scientific knowledge and, as
50 ~~need-needed~~ to support designated uses of water, modifications to management strategies. The

1 Commission may also include critical basin issues as they arise in the report required in
2 subsection (d) of this section.

3 (d) As a part of the report required pursuant to G.S. 143-355(p), the Commission and the
4 Department shall ~~each~~ report on or before November 1 of ~~each year on an annual basis~~
5 even-numbered years to the Environmental Review Commission on the progress in developing
6 and implementing basinwide water ~~quality-resources~~ management plans and on ~~increasing~~ public
7 involvement and public education in connection with basinwide water ~~quality-resources~~
8 management planning. The report to the Environmental Review Commission by the Department
9 shall include a written statement ~~as to all concentrations of heavy metals and other pollutants in~~
10 ~~the surface waters of the State on water quality and quantity conditions~~ that are identified in the
11 course of preparing or revising the basinwide water ~~quality-resources~~ management plans.

12 (e) A basinwide water ~~quality-resources~~ management plan is not a rule and Article 2A of
13 Chapter 150B of the General Statutes does not apply to the development of basinwide water
14 ~~quality-resources~~ management plans. Any water quality standard or classification and any
15 requirement or limitation of general applicability that implements a basinwide water ~~quality~~
16 ~~resources~~ management plan is a rule and must be adopted as provided in Article 2A of Chapter
17 150B of the General Statutes.

18 (f) For the purposes of this section, the 17 major river basins will be defined as the North
19 Carolina portion of the following United States Geological Survey cataloging units:

20 (1) Pasquotank: 03010205.

21 (2) Broad River: 03050105.

22 (3) Cape Fear River: 03030002, 03030003, 03030004, 03030005, 03030006, and
23 03030007.

24 (4) Catawba River: 03050101, 03050102, and 03050103.

25 (5) Chowan River: 03010201, 03010202, 03010203, and 03010204.

26 (6) French Broad River: 06010105, 06010106, and 06010108.

27 (7) Hiwassee River: 06020002 and 06020003.

28 (8) Little Tennessee River: 06010202, 06010203, and 06010204.

29 (9) Lumber River: 03040203, 03040204, 03040206, and 03040208.

30 (10) Neuse River: 03020201, 03020202, 03020203, and 03020204.

31 (11) New River: 05050001.

32 (12) White Oak: 03020301 and 03020302.

33 (13) Roanoke River: 03010102, 03010103, 03010104, 03010106, and 03010107.

34 (14) Savannah River: 03060101 and 03060102.

35 (15) Tar-Pamlico River: 03020101, 03020102, 03020103, 03020104, and
36 03020105.

37 (16) Watauga River: 06010103.

38 (17) Yadkin-Pee Dee River: 03040101, 03040102, 03040103, 03040104,
39 03040105, 03040201, and 03040202."

40 41 **CORRECT INACCURATE STATUTORY REFERENCE**

42 **SECTION 9.** G.S. 148-10 reads as rewritten:

43 **"§ 148-10. ~~Department of Environmental Quality~~ Department of Public Safety to supervise**
44 **sanitary and health conditions of prisoners.**

45 The Department of ~~Environmental Quality~~ Public Safety shall have general supervision over
46 the sanitary and health conditions of the central prison, over the prison camps, or other places of
47 confinement of prisoners under the jurisdiction of the Division of Adult Correction and Juvenile
48 Justice of the ~~Department of Public Safety~~, and shall make periodic examinations of the same
49 and report to the ~~Division of Adult Correction and Juvenile Justice of the Department of Public~~
50 ~~Safety the conditions found there with respect to the sanitary and hygienic care of such~~
51 ~~prisoners.~~Department."

1
2 **MODIFY NOTICE REQUIREMENT FOR SEDIMENTATION AND EROSION**
3 **CONTROL PROGRAM VIOLATIONS**

4 **SECTION 10.(a)** G.S. 113A-61.1(c) reads as rewritten:

5 "(c) If the Secretary, a local government that administers an erosion and sedimentation
6 control program approved under G.S. 113A-60, or other approving authority determines that the
7 person engaged in the land-disturbing activity has failed to comply with this Article, the
8 Secretary, local government, or other approving authority shall immediately serve a notice of
9 violation upon that person. The notice may be served by any means authorized under G.S. 1A-1,
10 Rule 4. A notice of violation shall specify a date by which the person must comply with this
11 Article and inform the person of the actions that need to be taken to comply with this Article.
12 Any person who fails to comply within the time specified is subject to additional civil and
13 criminal penalties for a continuing violation as provided in G.S. 113A-64. If the person engaged
14 in the land-disturbing activity has not received a previous notice of violation under this section,
15 the Department, local government, or other approving authority ~~shall deliver the notice of~~
16 ~~violation in person and~~ shall offer assistance in developing corrective measures. Assistance may
17 be provided by referral to a technical assistance program in the Department, referral to a
18 cooperative extension program, or by the provision of written materials such as Department
19 guidance documents. ~~If the Department, local government, or other approving authority is unable~~
20 ~~to deliver the notice of violation in person within 15 days following discovery of the violation,~~
21 ~~the notice of violation may be served in the manner prescribed for service of process by~~
22 ~~G.S. 1A-1, Rule 4, and shall include information on how to obtain assistance in developing~~
23 ~~corrective measures."~~

24 **SECTION 10.(b)** This section becomes effective October 1, 2021.

25
26 **REVISE SEDIMENTATION AND EROSION CONTROL STOP WORK ORDER**
27 **PROCEDURES**

28 **SECTION 11.(a)** Subsections (f) and (h) of G.S. 113A-65.1 are repealed.

29 **SECTION 11.(b)** This section becomes effective October 1, 2021.

30
31 **BROADEN ACCESS TO DEPARTMENT OF NATURAL AND CULTURAL**
32 **RESOURCES LIBRARY FOR THE BLIND AND PHYSICALLY HANDICAPPED**

33 **SECTION 12.** G.S. 125-2(9) reads as rewritten:

34 "(9) To provide library services to ~~blind and physically handicapped~~ readers of
35 North Carolina who are unable to use standard print materials by making
36 available to them books and other reading materials in braille, or sound
37 recordings or any other medium ~~used by the blind and physically handicapped;~~
38 accessible to those readers; to enter into contracts and agreements with
39 appropriate libraries and other organizations for the purposes of serving ~~the~~
40 ~~blind and physically handicapped;~~ these readers; to enter into contracts with
41 library agencies of other states for providing library service to ~~the blind and~~
42 ~~physically handicapped of these readers in~~ those states, provided adequate
43 compensation is paid for such service and such contract is otherwise
44 advantageous to this State."

45
46 **EFFECTIVE DATE**

47 **SECTION 13.** Except as otherwise provided, this act is effective when it becomes
48 law.