

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 188*
Committee Substitute Favorable 4/16/97

Short Title: Env. Tech. Corrections.

(Public)

Sponsors:

Referred to:

February 17, 1997

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

6 The General Assembly of North Carolina enacts:

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

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

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

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

17 "(3) Subject to subdivision (7) of this subsection, priority designations for
18 inclusions in the program shall be under the authority of the Soil and
19 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. ~~143-215.10C(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.