

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

**SESSION LAW 2001-452
HOUSE BILL 1006**

**AN ACT TO CONSOLIDATE VARIOUS ENVIRONMENTAL REPORTING
REQUIREMENTS.**

The General Assembly of North Carolina enacts:

PART I. REPORTING REQUIREMENTS REPEALED.

SECTION 1.1. Subsections 27.13(b) and (c) of Chapter 18 of the Session Laws of the 1996 Second Extra Session, Subsection 27.26(c) (Straight Pipe Elimination Amnesty Program) of Chapter 18 of the Session Laws of the 1996 Second Extra Session, Subsection 27.30(b) of Chapter 18 of the Session Laws of the 1996 Second Extra Session, Section 15.2 of S.L. 1997-443, Subsection 15.14(b) of S.L. 1997-443, Section 3.2 of S.L. 1997-458, Section 9.1 of S.L. 1997-483, Section 9.2 of S.L. 1997-483, Subsection 14.14(b) of S.L. 1998-212, Subsections 15.14(a) through (g) of S.L. 1999-237, Section 11.2 of S.L. 1999-329, G.S. 143-359, and G.S. 143-670 through G.S. 143-674 are repealed.

SECTION 1.2. Section 3 of Chapter 603 of the 1989 Session Laws, as amended by Section 222 of Chapter 727 of the 1989 Session Laws and Section 3 of Chapter 990 of the 1991 Session Laws, is repealed.

PART II. REPORTING REQUIREMENTS AMENDED OR CODIFIED.

SECTION 2.1. G.S. 113-182.1(e) reads as rewritten:

"(e) The Secretary of Environment and Natural Resources shall monitor progress in the development and adoption of Fishery Management Plans in relation to the Schedule for development and adoption of the plans established by the Marine Fisheries Commission. The Secretary of Environment and Natural Resources shall report to the Joint Legislative Commission on Seafood and Aquaculture ~~and the Environmental Review Commission~~ on progress in developing and implementing the Fishery Management Plans on or before 1 September of each year. The Secretary of Environment and Natural Resources shall report to the Joint Legislative Commission on Seafood and Aquaculture ~~and the Environmental Review Commission~~ within 30 days of the completion or substantial revision of each proposed Fishery Management Plan. The Joint Legislative Commission on Seafood and Aquaculture ~~and the Environmental Review Commission~~ shall concurrently review each proposed Fishery Management Plan within 30 days of the date the proposed Plan is submitted by the Secretary. The Joint Legislative Commission on Seafood and Aquaculture ~~and the Environmental Review Commission~~ may submit comments and recommendations on the proposed Plan to the Secretary within 30 days of the date the proposed Plan is submitted by the Secretary."

SECTION 2.2. G.S. 113A-241 reads as rewritten:

"§ 113A-241. State to Preserve One Million Acres; Annual Report.

(a) The State of North Carolina shall encourage, facilitate, plan, coordinate, and support appropriate federal, State, local, and private land protection efforts so that an additional one million acres of farmland, open space, and conservation lands in the State are permanently protected by December 31, 2009. These lands shall be protected by acquisition in fee simple or by acquisition of perpetual conservation easements by public conservation organizations or by private entities that are organized to receive and administer lands for conservation purposes.

(b) The Secretary of Environment and Natural Resources shall lead the effort to add one million acres to the State's protected lands and shall plan and coordinate with other public and private organizations and entities that are receiving and administering lands for conservation purposes.

(c) The Secretary of Environment and Natural Resources shall report to the Governor and the Environmental Review Commission ~~annually beginning on September 1, 2000, on or before 1 September of each year~~ on the State's progress towards attaining the goal established in ~~Section 2 of this Article.~~ this section."

SECTION 2.3. G.S. 130A-310.10 reads as rewritten:

"§ 130A-310.10. Annual reports.

(a) The Secretary shall ~~present a report on inactive hazardous sites to the Environmental Review Commission.~~ Commission on or before 1 October of each year. The report shall include at least:

- (1) The Inactive Hazardous Waste Sites Priority List;
- (2) A list of remedial action plans requiring State funding through the Inactive Hazardous Sites Cleanup Fund;
- (3) A comprehensive budget to implement these remedial action plans and the adequacy of the Inactive Hazardous Sites Cleanup Fund to fund the cost of said plans;
- (4) A prioritized list of sites that are eligible for remedial action under CERCLA/SARA together with recommended remedial action plans and a comprehensive budget to implement such plans. The budget for implementing a remedial action plan under CERCLA/SARA shall include a statement as to any appropriation that may be necessary to pay the State's share of such plan;
- (5) A list of sites and remedial action plans undergoing voluntary cleanup with Departmental approval;
- (6) A list of sites and remedial action plans that may require State funding, a comprehensive budget if implementation of these possible remedial action plans is required, and the adequacy of the Inactive Hazardous Sites Cleanup Fund to fund the possible costs of said plans;
- (7) A list of sites ~~which~~ that pose an imminent hazard;
- (8) A comprehensive budget to develop and implement remedial action plans for sites that pose imminent hazards and that may require State funding, and the adequacy of the Inactive Hazardous Sites Cleanup Fund; and
- (9) Any other information requested by the General Assembly or the Environmental Review Commission.

~~(b) The report required by this section shall be made by the Secretary on or before 1 November of even numbered years."~~

SECTION 2.4. G.S. 143-215.3A(c) reads as rewritten:

"(c) The Department shall ~~make an annual~~ report to the ~~General Assembly and its Environmental Review Commission and the Fiscal Research Division~~ on the cost of the State's environmental permitting programs contained within ~~such the Department.~~ Department on or before 1 November of each year. In addition, the Department shall ~~make an annual~~ report to the ~~General Assembly and its Environmental Review Commission and the Fiscal Research Division~~ on the cost of the Title V ~~program.~~ Program on or before 1 November of each year. The reports shall include, but are not limited to, fees set and established under this Article, fees collected under this Article, revenues received from other sources for environmental permitting and compliance programs, changes made in the fee schedule since the last report, anticipated revenues from all other sources, interest earned and any other information requested by the General Assembly."

SECTION 2.5. Article 21 of Chapter 143 of the General Statutes is amended by adding a new section to read:

"§ 143-215.8C. Neuse River Modeling and Monitoring Project reports.

The Primary Investigator or Researcher receiving funding pursuant to Subsection 14.14(a) of S.L. 1998-212 shall provide progress reports to the Environmental Review Commission, the Joint Legislative Commission on Governmental Operations, the Scientific Advisory Council on Water Resources and Coastal Fisheries Management, and the Fiscal Research Division on 1 January and 1 July of each year until the project or study is complete. Upon completion of the project or study, the Primary Investigator or Researcher shall provide a final report to the entities listed above."

SECTION 2.6. Article 21 of Chapter 143 of the General Statutes is amended by adding a new section to read:

"§ 143-215.9B. Systemwide municipal and domestic wastewater collection system permit program report.

The Environmental Management Commission shall develop and implement a permit program for municipal and domestic wastewater collection systems on a systemwide basis. The collection system permit program shall provide for performance standards, minimum design and construction requirements, a capital improvement plan, operation and maintenance requirements, and minimum reporting requirements. In order to ensure an orderly and cost-effective phase-in of the collection system permit program, the Commission shall implement the permit program over a five-year period beginning 1 July 2000. The Commission shall issue permits for approximately twenty percent (20%) of municipal and domestic wastewater collection systems that are in operation on 1 July 2000 during each of the five calendar years beginning 1 July 2000 and shall give priority to those collection systems serving the largest populations, those under a moratorium imposed by the Commission under G.S. 143-215.67, and those for which the Department of Environment and Natural Resources has issued a notice of violation for the discharge of untreated wastewater. The Commission shall report on its progress in developing and implementing the collection system permit program required by this section as a part of each quarterly report the Environmental Management Commission makes to the Environmental Review Commission pursuant to G.S. 143B-282(b)."

SECTION 2.7. G.S. 143-355 is amended by adding the following new subsection:

"(n) The Department of Environment and Natural Resources shall report to the Environmental Review Commission on the implementation of this section and the development of the State water supply plan on or before 1 September of each year."

SECTION 2.8. G.S. 143B-279.7(c) reads as rewritten:

"(c) The Department of Environment and Natural Resources shall report annually to the Environmental Review Commission and the Senate Agriculture and Environment Committee no later than December 1 of each year. This report shall include a summary of all fish kill activity within the last year, an overview of any trend analyses, a discussion of any new or modified methodologies or reporting protocols, and any other relevant information."

SECTION 2.9. The Department of Environment and Natural Resources shall report to the Environmental Review Commission and the Fiscal Research Division of the General Assembly on or before 15 October of each year on the Wastewater Discharge Elimination Program.

PART III. SOLID WASTE AND RECYCLING REPORT CONSOLIDATION.

SECTION 3.1. G.S. 130A-309.06 reads as rewritten:

"§ 130A-309.06. Additional powers and duties of the Department.

(a) In addition to other powers and duties set forth in this Part, the Department shall:

- (1) Develop a comprehensive solid waste management plan consistent with this Part. The plan shall be developed in consultation with units of local government and shall be updated at least every three years. In developing the State solid waste management plan, the Department shall hold public hearings around the State and shall give notice of

- these public hearings to all units of local government and regional planning agencies.
- (2) Provide guidance for the orderly collection, transportation, storage, separation, processing, recovery, recycling, and disposal of solid waste throughout the State.
 - (3) Encourage coordinated local activity for solid waste management within a common geographical area.
 - (4) Provide planning, technical, and financial assistance to units of local government and State agencies for reduction, recycling, reuse, and processing of solid waste and for safe and environmentally sound solid waste management and disposal.
 - (5) Cooperate with appropriate federal agencies, local governments, and private organizations in carrying out the provisions of this Part.
 - (6) Promote and assist the development of solid waste reduction, recycling, and resource recovery programs that preserve and enhance the quality of the air, water, and other natural resources of the State.
 - (7) Maintain a directory of recycling and resource recovery systems in the State and provide assistance with matching recovered materials with markets.
 - (8) Manage a program of grants for programs for recycling and special waste management, and for programs that provide for the safe and proper management of solid waste.
 - (9) Provide for the education of the general public and the training of solid waste management professionals to reduce the production of solid waste, to ensure proper processing and disposal of solid waste, and to encourage recycling and solid waste reduction.
 - (10) Develop descriptive literature to inform units of local government of their solid waste management responsibilities and opportunities.
 - (11) Repealed by Session Laws 1995 (Regular Session, 1996), c. 594, s. 10.
 - (12) Provide and maintain recycling bins for the collection and recycling of newspaper, aluminum cans, glass containers, and recyclable plastic beverage containers at the North Carolina Zoological Park.
 - (13) Identify, based on reports required under G.S. 130A-309.14 and any other relevant information, those materials in the municipal solid waste stream that are marketable in the State or any portion thereof and that should be recovered from the waste stream prior to treatment or disposal.
 - (14) Identify and analyze, with assistance from the Department of Commerce pursuant to G.S. 130A-309.14, components of the State's recycling industry and present and potential markets for recyclable materials in this State, other states, and foreign countries.

(b) The Department may refuse to issue a permit to an applicant who by past conduct in this State has repeatedly violated related statutes, rules, orders, or permit terms or conditions relating to any solid waste management facility and who is deemed by the Department to be responsible for the violations. For the purpose of this subdivision, an applicant includes the owner or operator of the facility, or, if the owner or operator is a business entity, the parent of the subsidiary corporation, a partner, a corporate officer or director, or a stockholder holding more than fifty percent (50%) of the stock of the corporation.

(c) ~~The Department shall prepare by 1 March of each year a report to the Environmental Review Commission on or before 15 January of each year on the status of solid waste management efforts in the State. The scope of the report shall be determined by the resources available to the Department for its preparation and, to the extent possible, shall include:~~

- (1) A comprehensive analysis, to be updated in each report, of solid waste generation and disposal in the State projected for the 20-year period beginning on 1 July 1991.
- (2) The total amounts of solid waste recycled and disposed of and the methods of solid waste recycling and disposal used during the calendar year prior to the year in which the report is published.
- (3) An evaluation of the development and implementation of local solid waste management programs and county and municipal recycling programs.
- (4) An evaluation of the success of each county or group of counties in meeting the municipal solid waste reduction goal established in G.S. 130A-309.04.
- (5) Recommendations concerning existing and potential programs for solid waste reduction and recycling that would be appropriate for units of local government and State agencies to implement to meet the requirements of this Part.
- (6) An evaluation of the recycling industry, the markets for recycled materials, the recycling of polystyrene, and the success of State, local, and private industry efforts to enhance the markets for these materials.
- (7) Recommendations to the Governor and the Environmental Review Commission to improve the management and recycling of solid waste in the State, including any proposed legislation to implement the recommendations.
- (8) A description of the condition of the Solid Waste Management Trust Fund and the use of all funds allocated from the Solid Waste Management Trust Fund, as required by G.S. 130A-309.12(c).
- (9) A description of the review and revision of bid procedures and the purchase and use of reusable, refillable, repairable, more durable, and less toxic supplies and products by both the Department of Administration and the Department of Transportation, as required by G.S. 130A-309.14(a1)(3).
- (10) A description of the implementation of the North Carolina Scrap Tire Disposal Act that includes the beginning and ending balances in the Scrap Tire Disposal Account for the reporting period, the amount credited to the Scrap Tire Disposal Account during the reporting period, and the amount of revenue used for grants and to clean up nuisance tire collection sites, as required by G.S. 130A-309.63(e).
- (11) A description of the management of white goods in the State, as required by G.S. 130A-309.85.
- (12) A summary of the report by the Department of Transportation on the amounts and types of recycled materials that were specified or used in contracts that were entered into by the Department of Transportation during the previous fiscal year, as required by G.S. 136-28.8(g).
- (13) A summary of the reports by each State department, institution, agency, community college, and local school administrative unit authorized to purchase materials and supplies detailing the amounts and types of materials and supplies with recycled content that were purchased during the previous fiscal year and the progress toward reaching the goals under G.S. 143-58.3, as required by G.S. 143-58.2(f).

~~(d) The Department shall prepare a report assessing the recycling industry and recyclable materials markets in the State every two years, and shall submit the report to the Environmental Review Commission on or before 1 March of even numbered years. The report shall include information on progress in recycling polystyrene in the State."~~

SECTION 3.2. G.S. 130A-309.12(c) reads as rewritten:

"(c) ~~The Department shall report annually on or before September 1 to the Environmental Review Commission as to include in the report required by G.S. 130A-309.06(c) a description of the condition of the Solid Waste Management Trust Fund and as to the use of all funds allocated from the Solid Waste Management Trust Fund.~~"

SECTION 3.3. G.S. 130A-309.14(a1) reads as rewritten:

"(a1) The Department of Administration shall review and revise its bid procedures and specifications set forth in Article 3 of Chapter 143 of the General Statutes and the Department of Transportation shall review and revise its bid procedures and specifications set forth in Article 2 of Chapter 136 of the General Statutes to encourage the purchase or use of reusable, refillable, repairable, more durable, and less toxic supplies and products.

- (1) The Department of Administration shall require the procurement of such supplies and products to the extent that the purchase or use is practicable and cost-effective. The Department of Administration shall require the purchase or use of remanufactured toner cartridges for laser printers to the extent practicable.
- (2) The Department of Transportation shall require the purchase or use of such supplies and products in the construction and maintenance of highways and bridges to the extent that the purchase or use is practicable and cost-effective.
- (3) The Department of Administration and the Department of Transportation shall each ~~prepare an annual report by October 1 of each year to the Environmental Review Commission provide by 1 October of each year to the Department of Environment and Natural Resources a detailed description of the respective Agency's concerning~~ the review and revision of bid procedures and the purchase and use of reusable, refillable, repairable, more durable, and less toxic supplies and products. The information provided by the Department of Administration and the Department of Transportation to the Department of Environment and Natural Resources shall also be included in the report required by G.S. 130A-309.06(c)."

SECTION 3.4. G.S. 130A-309.63(e) reads as rewritten:

"(e) ~~Reports-Reporting.~~ – The Department shall ~~report annually on the Scrap Tire Disposal Account to the Environmental Review Commission. The report shall be submitted by 1 October of each year for the fiscal year ending the preceding 30 June. The report shall show~~ include in the report to be delivered to the Environmental Review Commission on or before 15 January of each year pursuant to G.S. 130A-309.06(c) a description of the implementation of the North Carolina Scrap Tire Disposal Act for the fiscal year ending the preceding 30 June. The description of the implementation of the North Carolina Scrap Tire Disposal Act shall include the beginning and ending balances in the Account for the reporting period, the amount credited to the Account during the reporting period, and the amount of revenue used for grants and to clean up nuisance tire collection sites."

SECTION 3.5. G.S. 130A-309.85 reads as rewritten:

"§ ~~130A-309.85.~~ ~~Department to submit annual report~~ **Reporting on the management of white goods.**

The Department shall ~~report annually to the Environmental Review Commission and to the Revenue Laws Study Committee concerning the management of white goods. The report shall be submitted by February 1 of each year for the fiscal year ending on the preceding June 30. The report shall include in the report to be delivered to the Environmental Review Commission on or before 15 January of each year pursuant to G.S. 130A-309.06(c) a description of the management of white goods in the State for~~

the fiscal year ending the preceding 30 June. The description of the management of white goods shall include the following information:

- (1) The amount of taxes collected and distributed under G.S. 105-187.24 during the period covered by the report.
- (2) The cost to each county of managing white goods during the period covered by the report.
- (3) The beginning and ending balances of the White Goods Management Account for the period covered by the report and a list of grants made from the Account for the period.
- (4) Any other information the Department considers helpful in understanding the problem of managing white goods.
- (5) A summary of the information concerning the counties' white goods management programs contained in the counties' Annual Financial Information Report."

SECTION 3.6. G.S. 136-28.8 reads as rewritten:

"(g) On or before October 1 of each year, the Department shall report to the Division of Pollution Prevention and Environmental Assistance of the Department of Environment and Natural Resources as to the amounts and types of recycled materials that were specified or used in contracts that were entered into during the previous fiscal year. On or before December 1 of each year, the Division of Pollution Prevention and Environmental Assistance shall prepare a summary of this report and submit the summary to the Joint Legislative Commission on Governmental ~~Operations, the Joint Legislative Transportation Oversight Committee, and the Environmental Review Commission.~~ Operations and the Joint Legislative Transportation Oversight Committee. The summary of this report shall also be included in the report required by G.S. 130A-309.06(c)."

SECTION 3.7. G.S. 143-58.2(f) reads as rewritten:

"(f) On or before October 1 of each year, each State department, institution, agency, community college, and local school administrative unit authorized to purchase materials and supplies shall report to the Division of Pollution Prevention and Environmental Assistance of the Department of Environment and Natural Resources, the amounts and types of materials and supplies with recycled content that were purchased during the previous fiscal year and its progress toward reaching the goals under G.S. 143-58.3. On or before December 1 of each year, the Division of Pollution Prevention and Environmental Assistance shall prepare a summary of these reports and submit the summary to the Joint Legislative Commission on Governmental ~~Operations and the Environmental Review Commission.~~ Operations. The summary of these reports shall also be included in the report required by G.S. 130A-309.06(c)."

PART IV. EFFECTIVE DATE.

SECTION 4.1. This act is effective when it becomes law.
In the General Assembly read three times and ratified this the 18th day of
October, 2001.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 7:30 p.m. this 28th day of October, 2001