

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

**SESSION LAW 2001-404
HOUSE BILL 1257**

AN ACT TO ESTABLISH A SURFACE WATER IDENTIFICATION TRAINING
AND CERTIFICATION PROGRAM AS A COMPONENT OF THE RIPARIAN
BUFFER PROTECTION PROGRAM.

The General Assembly of North Carolina enacts:

SECTION 1. Part 1 of Article 21 of Chapter 143 of the General Statutes is amended by adding a new section to read:

"§ 143-214.25. Riparian Buffer Protection Program: Surface Water Identification Training and Certification Program.

(a) The Division of Water Quality of the Department shall develop a program to train and certify individuals to determine the presence of surface waters that would require the application of rules adopted by the Commission for the protection of riparian buffers. The Division may train and certify employees of the Division as determined by the Director of the Division of Water Quality; employees of units of local government to whom responsibility for the implementation and enforcement of the riparian buffer protection rules is delegated pursuant to G.S. 143-214.23; and employees of the Division of Forest Resources of the Department as determined by the Director of the Division of Forest Resources who are Registered Foresters under Chapter 89B of the General Statutes. The Director of the Division of Water Quality may review the determinations made by individuals who are certified pursuant to this section, may override a determination made by an individual certified under this section, and, if the Director of the Division of Water Quality determines that an individual is failing to make correct determinations, revoke the certification of that individual.

(b) The Division of Water Quality shall develop standard forms for use in making and reporting determinations. Each individual who is certified to make determinations under this section shall prepare a written report of each determination and shall submit the report to the agency that employs the individual. Each agency shall maintain reports of determinations made by its employees, shall forward a copy of each report to the Director of the Division of Water Quality, and shall maintain these reports and all other records related to determinations so that they will be readily accessible to the public."

SECTION 2. In implementing the Surface Water Identification Training and Certification Program established by G.S. 143-214.25, as enacted by Section 1 of this act, the Division of Water Quality of the Department of Environment and Natural Resources shall give priority to training and certifying the most highly qualified and experienced personnel in each agency. The Division of Water Quality shall evaluate the effectiveness of the Surface Water Identification Training and Certification Program and shall submit written reports of its findings and recommendations, if any, to the Environmental Review Commission on or before 1 September 2002, 1 September 2003, and 1 March 2004.

SECTION 3. This act shall not be construed to obligate the General Assembly to appropriate any funds to implement the provisions of this act. Every agency to which this act applies shall implement the provisions of this act with funds otherwise appropriated or available to the agency.

SECTION 4. This act is effective when it becomes law and expires 1 September 2004.

In the General Assembly read three times and ratified this the 29th day of August, 2001.

s/ Marc Basnight
President Pro Tempore of the Senate

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

s/ Michael F. Easley
Governor

Approved 3:25 p.m. this 6th day of September, 2001