

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003**

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**SENATE BILL 824\*  
House Committee Substitute Favorable 6/17/03**

Short Title: Amend Environmental Laws-1.

(Public)

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Sponsors:

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Referred to:

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April 3, 2003

A BILL TO BE ENTITLED

1 AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL  
2 AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT,  
3 ENVIRONMENTAL HEALTH, AND NATURAL RESOURCES; TO AMEND  
4 THE REPORTING REQUIREMENT SET OUT IN S.L. 2001-442; TO EXTEND  
5 THE PILOT PROGRAM FOR INSPECTION OF ANIMAL WASTE  
6 MANAGEMENT SYSTEMS INITIALLY ESTABLISHED BY SECTION 15.4 OF  
7 S.L. 1997-443; AND TO ESTABLISH AN EXCEPTION TO THE  
8 MORATORIUM INITIALLY ESTABLISHED BY SECTION 1.2 OF S.L.  
9 1997-458 FOR FACILITIES THAT WERE APPROVED FOR FUNDING UNDER  
10 THE AGRICULTURE COST SHARE PROGRAM FOR NONPOINT SOURCE  
11 POLLUTION CONTROL AT THE TIME THE MORATORIUM WAS  
12 ESTABLISHED.  
13

14 The General Assembly of North Carolina enacts:

15 **SECTION 1.** G.S. 113-44.8(a) reads as rewritten:

16 "(a) The State of North Carolina offers unique archaeological, geologic, biological,  
17 scenic, and recreational resources. These resources are part of the heritage of the people  
18 of this State. The heritage of a people should be preserved and managed by ~~those~~the  
19 people for their use and for the use of their visitors and descendants."

20 **SECTION 2.** G.S. 113-173(e) reads as rewritten:

21 "(e) Replacement RCGL. – The provisions of ~~G.S.~~G.S. 113-168.1(h) apply to this  
22 section."

23 **SECTION 3.** Article 13A of Chapter 113 of the General Statutes (G.S.  
24 113-145.1 through G.S. 113-145.8) is recodified as Article 18 of Chapter 113A of the  
25 General Statutes (G.S. 113A-251 through G.S. 113A-259). The Revisor of Statutes is  
26 authorized to correct any reference in the General Statutes to the statutes that are  
27 recodified by this section.

28 **SECTION 4.** G.S. 113A-232(a) reads as rewritten:

1       "(a) Fund Created. – The Conservation Grant Fund is created within the  
2 Department of Environment and Natural Resources. The Fund shall be administered by  
3 ~~that the~~ Department. The purpose of the Fund is to stimulate the use of conservation  
4 easements and conservation tax credits, to improve the capacity of private nonprofit  
5 land trust organizations to successfully accomplish conservation projects, to better equip  
6 real estate related professionals to pursue opportunities for conservation, to increase  
7 landowner participation in land and water conservation, and to provide an opportunity  
8 to leverage private and other public monies for conservation easements."

9       **SECTION 5.** G.S. 130A-309.14(a1)(3) reads as rewritten:

10       "(3) The Department of Administration and the Department of  
11 Transportation shall each provide by 1 October of each year to the  
12 Department of Environment and Natural Resources a detailed  
13 description of the respective Agency's review and revision of bid  
14 procedures and purchase and use of reusable, refillable, repairable,  
15 more durable, and less toxic supplies and products. The information  
16 provided by the Department of Administration and the Department of  
17 Transportation to the Department of Environment and Natural  
18 Resources shall also be included in the report required by G.S.  
19 130A-309.06(c)."

20       **SECTION 6.** G.S. 143-215.107B reads as rewritten:

21       "**§ 143-215.107B. Statewide goals for reduction in emissions of ~~nitrogen oxides;~~**  
22 **oxides of nitrogen; report.**

23       It shall be the goal of the State to reduce emissions of ~~nitrogen oxides~~ of nitrogen  
24 (NOx) from all sources by at least twenty-five percent (25%) by 1 July 2009. It shall be  
25 the goal of the State to reduce the growth of vehicle miles traveled in the State by at  
26 least twenty-five percent (25%) of that growth that would otherwise occur by 1 July  
27 2009. The Department of Environment and Natural Resources and the Department of  
28 Transportation shall evaluate progress toward achieving these goals in each fiscal year  
29 and shall report their findings and recommendations as to any measures that may be  
30 needed to achieve these goals to the Environmental Review Commission on or before 1  
31 October of each ~~year beginning 1 October 2000.~~ year."

32       **SECTION 7.** G.S. 143-215.108(a) reads as rewritten:

33       "(a) Except as provided in subsections (a1) and (a2) of this section, no person  
34 shall do any of the following things or carry out any of the following activities ~~which~~  
35 that contravene or will be likely to contravene standards established pursuant to G.S.  
36 143-215.107 or set out in G.S. 143-215.107D unless that person has obtained ~~from the~~  
37 ~~Commission~~ a permit therefor from the Commission and has complied with any  
38 conditions of ~~this the~~ the permit:

39       (1) Establish or operate any air contaminant ~~source;~~ source.

40       (2) Build, erect, use or operate any equipment ~~which that~~ that may result in the  
41 emission of ~~an air contaminants~~ contaminant or ~~which that~~ that is likely to  
42 cause air ~~pollution;~~ pollution.

1 (3) Alter or change the construction or method of operation of any  
2 equipment or process from which air contaminants are or may be  
3 ~~emitted;~~emitted.

4 (4) Enter into an irrevocable contract for the construction and installation  
5 of any air-cleaning device, or allow or cause ~~such any air-cleaning~~  
6 device to be constructed, installed, or operated."

7 **SECTION 8.** G.S. 143-726(d)(4) reads as rewritten:

8 "(4) The Secretary of the ~~Department of~~ Environment and Natural  
9 Resources."

10 **SECTION 9.** G.S. 143B-428 reads as rewritten:

11 "**§ 143B-428. Department of Commerce – declaration of policy.**

12 It is hereby declared to be the policy of the State of North Carolina to actively  
13 encourage the expansion of existing environmentally sound North Carolina industry; to  
14 actively encourage the recruitment of environmentally sound national and international  
15 industry into North Carolina through industrial recruitment efforts and through effective  
16 advertising, with an emphasis on high-wage-paying industry; to promote the  
17 development of North Carolina's labor force to meet the State's growing industrial  
18 needs; to promote the growth and development of our travel and tourist industries; to  
19 promote the development of our State ports; ~~to promote the management of North~~  
20 ~~Carolina's energy resources and the development of a State energy policy;~~ and to assure  
21 throughout State government, the coordination of North Carolina's economic  
22 development efforts."

23 **SECTION 10.** Section 7 of S.L. 2001-442 reads as rewritten:

24 "**SECTION 7.** Beginning ~~1 March 2002,~~ September 2003, the ~~Department~~  
25 ~~Secretary of~~ Environment and Natural Resources shall submit ~~a semiannual~~ an annual  
26 report to the Environmental Review Commission on the implementation of Sections 1  
27 through 6 of this act as a part of the report required by G.S. 143-215.94M."

28 **SECTION 11.** Section 15.4(a) of S.L. 1997-443, as amended by Section 3.1  
29 of S.L. 1999-329, Section 5 of S.L. 2001-254, and Section 1.1 of S.L. 2002-176, reads  
30 as rewritten:

31 "(a) The Department of Environment and Natural Resources shall develop and  
32 implement a pilot program to begin no later than 1 November 1997, and to terminate 1  
33 September ~~2003,~~ 2005, regarding the annual inspections of animal operations that are  
34 subject to a permit under Article 21 of Chapter 143 of the General Statutes. The  
35 Department shall select two counties located in a part of the State that has a high  
36 concentration of swine farms to participate in this pilot program. In addition, Brunswick  
37 County shall be added to the program. Notwithstanding G.S. 143-215.10F, the Division  
38 of Soil and Water Conservation of the Department of Environment and Natural  
39 Resources shall conduct inspections of all animal operations that are subject to a permit  
40 under Article 21 of Chapter 143 of the General Statutes in these three counties at least  
41 once a year to determine whether any animal waste management system is causing a  
42 violation of water quality standards and whether the system is in compliance with its  
43 animal waste management plan or any other condition of the permit. The personnel of  
44 the Division of Soil and Water Conservation who are to conduct these inspections in

1 each of these three counties shall be located in an office in the county in which that  
2 person will be conducting inspections. As part of this pilot program, the Department of  
3 Environment and Natural Resources shall establish procedures whereby resources  
4 within the local Soil and Water Conservation Districts serving the three counties are  
5 used for the quick response to complaints and reported problems previously referred  
6 only to the Division of Water Quality of the Department of Environment and Natural  
7 Resources."

8 **SECTION 12.** Section 3.3 of S.L. 1999-329, as amended by Section 6 of  
9 S.L. 2001-254 and Section 1.2 of S.L. 2002-176, reads as rewritten:

10 "Section 3.3. The Department of Environment and Natural Resources, in  
11 consultation with both the Division of Water Quality and the Division of Soil and Water  
12 Conservation, shall submit semiannual interim reports no later than ~~15 October 1999, 15~~  
13 ~~April 2000, and 15 October 2000, 15 April 2001, 15 October 2001, 15 April 2002, and~~  
14 ~~15 April 2003~~ of each year beginning 15 October 1999 and shall submit a final report no  
15 later than ~~15 October 2003~~ 2005 to the Environmental Review Commission and to the  
16 Fiscal Research Division. These reports shall indicate whether the pilot program has  
17 increased the effectiveness of the annual inspections program or the response to  
18 complaints and reported problems, specifically whether the pilot program had resulted  
19 in identifying violations earlier, taking corrective actions earlier, increasing compliance  
20 with the animal waste management plans and permit conditions, improving the time to  
21 respond to discharges, complaints, and reported problems, improving communications  
22 between farmers and Department employees, and any other consequences deemed  
23 pertinent by the Department. These reports shall also compare the costs of conducting  
24 operations reviews and inspections under the pilot program with the costs of conducting  
25 operations reviews and inspections pursuant to G.S. 143-215.10D and G.S.  
26 ~~143-215.10F. 143-215.10F~~ and the resources that would be required to expand the pilot  
27 program to all counties. The final report shall include a recommendation as to whether  
28 to continue or expand the pilot program under this act. The Environmental Review  
29 Commission may recommend to the ~~2003~~ General Assembly whether to continue or  
30 expand the pilot program under this act and may make any related legislative  
31 proposals."

32 **SECTION 13.** The moratorium established by Section 1.2 of S.L. 1997-458;  
33 as amended by Section 3 of S.L. 1998-188, Section 2.2 of S.L. 1999-329, Section 2 of  
34 S.L. 2001-254; and Section 2 of Senate Bill 593 if Senate Bill 593 becomes law; on new  
35 swine farms and lagoons and on the expansion of existing swine farms and lagoons shall  
36 not apply to any swine farm or lagoon that would otherwise be prohibited by the  
37 moratorium if, on or before 27 August 1997, the Soil and Water Conservation  
38 Commission allocated funds under the Agriculture Cost Share Program for Nonpoint  
39 Source Pollution Control established pursuant to G.S. 143-215.74 for the construction or  
40 expansion of the otherwise prohibited swine farm or lagoon. The Environmental  
41 Management Commission may issue a permit for an animal waste management system,  
42 as defined by G.S. 143-215.10B, or for a new swine farm or lagoon or the expansion of  
43 an existing swine farm or lagoon, as defined in G.S. 106-802, that is authorized by this  
44 section.

1           **SECTION 14.** If any section or provision of this act is declared  
2 unconstitutional or invalid by the courts, the unconstitutional or invalid section or  
3 provision does not affect the validity of this act as a whole or any part of this act other  
4 than the part declared to be unconstitutional or invalid.

5           **SECTION 15.** This act is effective when it becomes law.