

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

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**SENATE BILL 845*
House Committee Substitute Favorable 7/15/08**

Short Title: Amend Env. Laws/Env. Tech. Corrections 2008.

(Public)

Sponsors:

Referred to:

March 19, 2007

A BILL TO BE ENTITLED

1
2 AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL
3 RESOURCES LAWS TO: (1) PROVIDE THAT PRIVATE DRINKING WATER
4 WELLS ARE TO BE TESTED FOR CERTAIN ADDITIONAL PARAMETERS;
5 (2) AUTHORIZE THE BOARD OF AGRICULTURE TO ADOPT RULES
6 GOVERNING EUTHANASIA OF ANIMALS; (3) RENAME THE BLUE CRAB
7 RESEARCH PROGRAM THE BLUE CRAB AND SHELLFISH RESEARCH
8 PROGRAM; (4) CLARIFY THAT THE DEPARTMENT OF TRANSPORTATION
9 OR ANY OTHER UNIT OF GOVERNMENT SHALL MAKE OYSTER SHELLS
10 AVAILABLE TO THE DIVISION OF MARINE FISHERIES OF THE
11 DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
12 WITHOUT REMUNERATION; (5) SPECIFY THAT THE ENVIRONMENTAL
13 MANAGEMENT COMMISSION MAY NOT BEGIN THE PROCEDURE TO
14 ADOPT A TEMPORARY OR PERMANENT RULE GOVERNING THE
15 MANAGEMENT OF STORMWATER RUNOFF IN THE COASTAL COUNTIES
16 PRIOR TO 1 OCTOBER 2011 AND TO SPECIFY THAT ANY SUCH
17 ADDITIONAL RULES SHALL NOT BECOME EFFECTIVE PRIOR TO 1
18 OCTOBER 2013; (6) CLARIFY THE PROCEDURE FOR RECORDATION OF
19 RESTRICTIONS AND PROTECTIVE COVENANTS THAT SPECIFY
20 CERTAIN COASTAL STORMWATER MANAGEMENT REQUIREMENTS; (7)
21 ESTABLISH, CONSOLIDATE, AMEND, OR REPEAL CERTAIN
22 ENVIRONMENTAL REPORTING REQUIREMENTS; AND (8) CORRECT
23 TECHNICAL ERRORS IN VARIOUS LAWS RELATED TO THE
24 ENVIRONMENT AND NATURAL RESOURCES, AS RECOMMENDED BY
25 THE ENVIRONMENTAL REVIEW COMMISSION.

26
27 The General Assembly of North Carolina enacts:

28
29 **PART I. AMEND ENVIRONMENTAL AND NATURAL RESOURCES LAWS.**

1
2 **SECTION 1.** G.S. 87-97(h) reads as rewritten:

3 "(h) Drinking Water Testing. – Within 30 days after it issues a certificate of
4 completion for a newly constructed private drinking water well, the local health
5 department shall test the water obtained from the well or ensure that the water obtained
6 from the well has been sampled and tested by a certified laboratory in accordance with
7 rules adopted by the Commission for Public Health. The water shall be tested for the
8 following parameters: arsenic, barium, cadmium, chromium, copper, fluoride, lead,
9 iron, magnesium, manganese, mercury, nitrates, nitrites, selenium, silver, sodium, zinc,
10 pH, ~~and~~ bacterial indicators, methyl tert-butyl ether, ethylene dibromide,
11 1,2-dichloroethane, 1,2-dichloropropane, isopropyl ether, benzene, toluene,
12 ethylbenzene, xylenes, trichloroethylene, and tetrachloroethylene."

13 **SECTION 2.(a)** G.S. 19A-24 reads as rewritten:

14 **"§ 19A-24. Powers of Board of Agriculture.**

15 (a) The Board of Agriculture shall:

- 16 (1) Establish standards for the care of animals at animal shelters, boarding
17 kennels, pet shops, and public auctions. A boarding kennel that offers
18 dog day care services and has a ratio of dogs to employees or
19 supervisors, or both employees and supervisors, of not more than 10 to
20 one, shall not as to such services be subject to any regulations that
21 restrict the number of dogs that are permitted within any primary
22 enclosure.
- 23 (2) Prescribe the manner in which animals may be transported to and from
24 registered or licensed premises.
- 25 (3) Require licensees and holders of certificates to keep records of the
26 purchase and sale of animals and to identify animals at their
27 establishments.
- 28 (4) Adopt rules to implement this Article, including federal regulations
29 promulgated under Title 7, Chapter 54, of the United States Code.
- 30 (5) Adopt rules on the euthanasia of animals in the possession or custody
31 of any person required to obtain a certificate of registration under this
32 Article. An animal shall only be put to death by a method and delivery
33 of method approved by the American Veterinary Medical Association,
34 the Humane Society of the United States, or the American Humane
35 Association. The Department shall establish rules for the euthanasia
36 process using any one or combination of methods and standards
37 prescribed by the three aforementioned organizations. The rules shall
38 address the equipment, the process, and the separation of animals, in
39 addition to the animals' age and condition. If the gas method of
40 euthanasia is approved, rules shall require (i) that only commercially
41 compressed carbon monoxide gas is approved for use, and (ii) that the
42 gas must be delivered in a commercially manufactured chamber that
43 allows for the individual separation of animals. Rules shall also

1 mandate training for any person who participates in the euthanasia
2 process.

3 (b) In addition to rules on the euthanasia of animals adopted pursuant to
4 subdivision (5) of subsection (a) of this section, the Board of Agriculture may adopt
5 rules on the euthanasia of animals for:

- 6 (1) Written and practical examinations for persons who perform
7 euthanasia.
- 8 (2) Issuance of certification to persons who have successfully completed
9 both training and examinations to become a euthanasia technician.
- 10 (3) Recertification of euthanasia technicians on a periodic basis.
- 11 (4) Standards and procedures for the approval of persons who conduct
12 training of euthanasia technicians.
- 13 (5) Approval of materials for use in euthanasia technician training.
- 14 (6) Minimum certification criteria for persons seeking to become
15 euthanasia technicians including, but not limited to: age; previous
16 related experience; criminal record; and other qualifications that are
17 related to an applicant's fitness to perform euthanasia.
- 18 (7) Denial, suspension, or revocation of certification of euthanasia
19 technicians who either violate any provision of the Animal Welfare
20 Act pursuant to Article 3 of Chapter 19A of the General Statutes or
21 otherwise become ineligible for certification.
- 22 (8) Provision of the names of persons who perform euthanasia at animal
23 shelters and for the animal shelter to notify the Department when those
24 persons are no longer affiliated, employed, or serving as a volunteer
25 with the shelter.
- 26 (9) Certified euthanasia technician to notify the Department when they no
27 longer are employed by or are serving as a volunteer at an animal
28 shelter.
- 29 (10) The duties, responsibilities, and standards of conduct for certified
30 euthanasia technicians."

31 **SECTION 2.(b)** It is the intention of the General Assembly that the
32 authorization to adopt rules governing euthanasia of animals set out in subsection (b) of
33 G.S. 19A-24, as enacted by subsection (a) of this section, constitute sufficient statutory
34 authority to support the adoption of 02 NCAC 52J .0401 through 02 NCAC 52J .0420,
35 02 NCAC 52J .0501 and 02 NCAC 52J .0502, 02 NCAC 52J .0602 through 02 NCAC
36 52J .0610, 02 NCAC 52J .0701 through 02 NCAC 52J .0705, and 02 NCAC 52J .0801
37 through 02 NCAC 52J .0803, as adopted by the Board of Agriculture on 13 February
38 2008.

39 **SECTION 3.** The Blue Crab Research Program, administered by the North
40 Carolina Sea Grant Program, shall be renamed the Blue Crab and Shellfish Research
41 Program. Funds appropriated to the Program may be used for research on blue crabs,
42 oysters, scallops, clams, and other shellfish.

43 **SECTION 4.** G.S. 136-123(b) reads as rewritten:

1 "(b) No landscaping or highway beautification project undertaken by the
2 Department or any other unit of government may use oyster shells as a ground cover.
3 The Department or any other unit of government that ~~comes into possession of~~
4 possesses oyster shells shall make them available to the Department of Environment and
5 Natural Resources, Division of Marine Fisheries, without remuneration, for use in any
6 oyster bed revitalization programs or any other program that may use the shells."

7 **SECTION 5.** If Senate Bill 1967 becomes law, then Section 4 of Senate Bill
8 1967 is designated subsection (a) of Section 4, and a new subsection (b) of Section 4 is
9 inserted after subsection (a) to read:

10 **"SECTION 4.(b)** Temporary Limitation on Additional Rule Making. – In order to
11 provide sufficient time for full implementation of this act, to provide sufficient time for
12 accumulation and evaluation of data as to the effect of implementation of this act on
13 coastal water quality, to provide time for additional scientific study of factors that
14 impact coastal water quality, to allow for the development of proposals for
15 improvements to the provisions of Section 2 of this act based on careful consideration of
16 the foregoing, and to provide a period of predictability for persons who may be affected
17 by the provisions of Section 2 of this act; except as may be specifically required by
18 federal law and except as provided in subsection (a) of this section; the Environmental
19 Management Commission shall not begin a procedure to adopt any additional temporary
20 or permanent rule governing the management of stormwater runoff in the Coastal
21 Counties prior to 1 October 2011. Before the Environmental Management Commission
22 begins a procedure to adopt any additional temporary or permanent rule governing the
23 management of stormwater runoff in the Coastal Counties, the Environmental
24 Management Commission shall submit a report to the Environmental Review
25 Commission that details the effect of the implementation of Section 2 of this act on
26 coastal water quality. The report shall include information on improvements in coastal
27 water quality, remaining deficiencies in coastal water quality, and the measures that the
28 Environmental Management Commission believes may be necessary to maintain and
29 further improve coastal water quality. Any additional rules that the Environmental
30 Management Commission may adopt governing the management of stormwater runoff
31 in the Coastal Counties shall not become effective prior to 1 October 2013."

32 **SECTION 6.(a)** If Senate Bill 1967 becomes law, then subsection (c) of
33 Section 2 of Senate Bill 1967 reads as rewritten:

34 **"SECTION 2.(c)** Requirements for Limited Residential Development in Coastal
35 Counties. – For residential development activities within the 20 Coastal Counties that
36 are located within one-half mile and draining to Class SA waters, that have a built upon
37 area greater than twelve percent (12%), that do not require a stormwater management
38 permit under subsection (b) of this section, and that will add more than 10,000 square
39 feet of built upon area, a one-time, nonrenewable stormwater management permit shall
40 be obtained. The permit shall require recorded ~~deed~~-restrictions or protective covenants
41 to be recorded on the property in the Office of the Register of Deeds in the county
42 where the property is located prior to the issuance of a certificate of occupancy in order
43 to ensure that the plans and specifications approved in the permit are maintained. Under

1 this permit, stormwater runoff shall be managed using any one or combination of the
2 following practices:

- 3 (1) Install rain cisterns or rain barrels designed to collect all rooftop runoff
4 from the first one and one-half inches of rain. Rain barrels and cisterns
5 shall be installed in such a manner as to facilitate the reuse of the
6 collected rain water on site and shall be installed in such a manner that
7 any overflow from these devices is directed to a vegetated area in a
8 diffuse flow. Construct all uncovered driveways, uncovered parking
9 areas, uncovered walkways, and uncovered patios out of permeable
10 pavement or other pervious materials.
11 (2) Direct rooftop runoff from the first one and one-half inches of rain to
12 an appropriately sized and designed rain garden. Construct all
13 uncovered driveways, uncovered parking areas, uncovered walkways,
14 and uncovered patios out of permeable pavement or other pervious
15 materials.
16 (3) Install any other stormwater best management practice that meets the
17 requirements of 15A NCAC 02H .1008 to control and treat the
18 stormwater runoff from all built upon areas of the site from the first
19 one and one-half inches of rain."

20 **SECTION 6.(b)** Subsection (f) of Section 9 of Session Law 2006-246 reads
21 as rewritten:

22 "(f) Permittees, delegated programs, and regulated entities must impose or require
23 recorded ~~deed~~-restrictions and protective covenants to be recorded on the property in the
24 Office of the Register of Deeds in the county where the property is located prior to the
25 issuance of a certificate of occupancy in order to that ensure that development activities
26 will maintain the project consistent with approved plans."

27 **PART II. REPORTS CONSOLIDATION.**

28 **SECTION 7.1.** Subsection (e) of G.S. 143B-279.12 is repealed.

29 **SECTION 7.2.** Subsection (c) of G.S. 143B-279.13 is repealed.

30 **SECTION 7.3.** Article 7 of Chapter 143B of the General Statutes is
31 amended by adding a new section to read:

32 "**§ 143B-279.15. Report on one-stop permitting program and express permitting**
33 **program.**

34 No later than 1 March of each year, the Department of Environment and Natural
35 Resources shall report to the Fiscal Research Division of the General Assembly and the
36 Environmental Review Commission on the one-stop permits for certain environmental
37 permits program established by G.S. 143B-279.12 and the express permit and
38 certification reviews program established by G.S. 143B-279.13. The report shall
39 include:

- 40 (1) The number of environmental permits subject to G.S. 143B-279.12
41 that took more than 90 days to issue or deny, the types of permits those
42 were, the reasons for the extended processing time of those permits,
43
44

1 and how the time within which the permit was actually issued or
2 denied compared with the projected time frame provided to the
3 applicant by the Department as provided by G.S. 143B-279.12. Based
4 on the data gathered in this subdivision, the Department shall include
5 recommendations regarding permit time frames for all major permits
6 issued by the Department.

7 (2) Findings on the success of the express permit and certification reviews
8 program established by G.S. 143B-279.13 and any other findings or
9 recommendations, including any legislative proposals that it deems
10 pertinent."

11 12 **PART III. TECHNICAL CORRECTIONS.**

13
14 **SECTION 8.1.** G.S. 143-64.12(a) reads as rewritten:

15 "(a) The Department of Administration through the State Energy Office shall
16 develop a comprehensive program to manage energy, water, and other utility use for
17 State agencies and State institutions of higher learning and shall update this program
18 annually. Each State agency and State institution of higher learning shall develop and
19 implement a management plan that is consistent with the State's comprehensive
20 program under this subsection to manage energy, water, and other utility use. The
21 energy consumption per gross square foot for all State buildings in total shall be reduced
22 by twenty percent (20%) by 2010 and thirty percent (30%) by 2015 based on energy
23 consumption for the ~~2003-2004~~2002-2003 fiscal year. Each State agency and State
24 institution of higher learning shall update its management plan annually and include
25 strategies for supporting the energy consumption reduction requirements under this
26 subsection. Each community college shall submit to the State Energy Office an annual
27 written report of utility consumption and costs."

28 **SECTION 8.2.** G.S. 143-215.3A(a) reads as rewritten:

29 "(a) The Water and Air Quality Account is established as a nonreverting account
30 within the Department. Revenue in the Account shall be applied to the costs of
31 administering the programs for which the fees were collected. Revenue credited to the
32 Account pursuant to G.S. 105-449.43, G.S. 105-449.125, ~~105-449.134,~~—and
33 ~~105-449.43~~G.S. 105-449.136 shall be used to administer the air quality program. Except
34 for the following fees, all application fees and permit administration fees collected by
35 the State for permits issued under Articles 21, 21A, 21B, and 38 of this Chapter shall be
36 credited to the Account:

- 37 (1) Fees collected under Part 2 of Article 21A and credited to the Oil or
38 Other Hazardous Substances Pollution Protection Fund.
39 (2) Fees credited to the Title V Account.
40 (3) Repealed by Session Laws 2005-454, s. 7, effective January 1, 2006.
41 (4) Fees collected under G.S. 143-215.28A.
42 (5) Fees collected under G.S. 143-215.94C shall be credited to the
43 Commercial Leaking Petroleum Underground Storage Tank Cleanup
44 Fund."

1 **SECTION 8.3.** If House Bill 821 becomes law, then G.S. 143-215.22L(c),
2 as amended by Section 1 of House Bill 821, reads as rewritten:

3 "(c) Notice of Intent to File a Petition. – An applicant shall prepare a notice of
4 intent to file a petition that includes a nontechnical description of the applicant's request
5 and an identification of the proposed water source. Within 90 days after the applicant
6 files a notice of intent to file a petition, the applicant shall hold at least one public
7 meeting in the source river basin upstream from the proposed point of withdrawal, at
8 least one public meeting in the source river basin downstream from the proposed point
9 of withdrawal, and at least one public meeting in the receiving river basin to provide
10 information to interested parties and the public regarding the nature and extent of the
11 proposed transfer and to receive comment on the scope of the environmental
12 documents. Written notice of the public meetings shall be provided at least 30 days
13 before the public meetings. At the time the applicant gives notice of the public
14 meetings, the applicant shall request comment on the alternatives and issues that should
15 be addressed in the environmental documents required by this section. The applicant
16 shall accept written comment on the scope of the environmental documents for a
17 minimum of 30 days following the last public meeting. Notice of the public meetings
18 and opportunity to comment on the scope of the environmental documents shall be
19 provided as follows:

20 (1) By publishing notice in the North Carolina Register.

21 (2) By publishing notice in a newspaper of general circulation in:

22 a. Each county in this State located in whole or in part of the area
23 of the source river basin upstream from the proposed point of
24 withdrawal.

25 b. Each city or county located in a state located in whole or in part
26 of the surface drainage basin area of the source river basin that
27 also falls within, in whole or in part, the area denoted by one of
28 the following eight-digit cataloging units as organized by the
29 United States Geological Survey:

30 ~~03050101 (Broad River: NC and SC);~~

31 ~~03050103 (Broad River: NC and SC);~~

32 ~~03050107 (Broad River: SC);~~

33 ~~03050108 (Broad River: SC);~~

34 ~~03050109 (Broad River: SC);~~

35 ~~03050110 (Broad River: SC);~~

36 ~~03010101 (New River: VA);~~

37 ~~03040101 (New River: VA and NC);~~

38 ~~05050002 (New River: VA and WV);~~

39 ~~05050003 (New River: WV);~~

40 ~~05070201 (New River: KY, VA, and WV);~~

41 ~~06010102 (New River: TN and VA);~~

42 ~~06010205 (New River: TN and VA);~~

43 ~~03050102 (Catawba River: NC);~~

44 ~~03050105 (Catawba River: NC and SC);~~

1 03050106 (Catawba River: SC);
2 03050111 (Catawba River: SC);
3 03010202 (Chowan River: NC and VA);
4 03010205 (Chowan River: NC and VA);
5 03010102 (Chowan River: NC and VA);
6 03010201 (Chowan River: NC and VA);
7 06010108 (French Broad River NC and TN);
8 06010105 (French Broad River NC and TN);
9 06010106 (French Broad River NC and TN);
10 06010201 (French Broad River TN);
11 03130001 (Hiwassee River: GA);
12 03150103 (Hiwassee River: GA);
13 03150105 (Hiwassee River: AL and GA);
14 03150106 (Hiwassee River: AL);
15 06020003 (Hiwassee River: GA, NC, and TN);
16 06020004 (Hiwassee River: TN);
17 06030001 (Hiwassee River: AL, GA, and TN);
18 03060102 (Little Tennessee River: GA, NC, and SC);
19 06010104 (Little Tennessee River: TN);
20 06010107 (Little Tennessee River: TN);
21 06010202 (Little Tennessee River: TN, GA, and NC);
22 06010203 (Little Tennessee River: NC);
23 06010204 (Little Tennessee River: NC and TN);
24 06010207 (Little Tennessee River: TN);
25 06010208 (Little Tennessee River: TN);
26 06020001 (Little Tennessee River: AL, GA, TN);
27 06020002 (Little Tennessee River: GA, NC, TN);
28 03060101 (Savannah River: NC and SC);
29 03060103 (Savannah River: GA and SC);
30 03060104 (Savannah River: GA);
31 03060105 (Savannah River: GA);
32 03060107 (Savannah River: SC);
33 03040203 (Lumber River: NC and SC);
34 03040204 (Lumber River: NC and SC);
35 03040201 (Lumber River: NC and SC);
36 03040206 (Lumber River: NC and SC);
37 03050112 (Lumber River: SC);
38 02080108 (Albemarle Sound: VA);
39 02080208 (Albemarle Sound: VA);
40 03010203 (Albemarle Sound: NC and VA);
41 03150101 (Ocoee River: GA and TN);
42 03150102 (Ocoee River: GA);
43 03150104 (Ocoee River: GA);
44 02080201 (Roanoke River: VA and WV);

1 02080203 (~~Roanoke River: VA~~);
2 02080207 (~~Roanoke River: VA~~);
3 03010104 (~~Roanoke River: NC and VA~~);
4 03010105 (~~Roanoke River: VA~~);
5 03010106 (~~Roanoke River: NC and VA~~);
6 03010204 (~~Roanoke River: NC and VA~~);
7 05050001 (~~Watauga River: NC and VA~~);
8 06010101 (~~Watauga River: TN and VA~~);
9 06010103 (~~Watauga River: NC and TN~~);
10 03010103 (~~Yadkin River: NC and VA~~);
11 03040104 (~~Yadkin River: NC and SC~~);
12 03040207 (~~Yadkin River: NC and SC~~);
13 03040105 (~~Yadkin River: NC and SC~~);
14 03040202 (~~Yadkin River: NC and SC~~);
15 03040205 (~~Yadkin River: SC~~);
16 03050104 (~~Yadkin River: SC~~);
17 03050105 (Broad River: NC and SC);
18 03050106 (Broad River: SC);
19 03050107 (Broad River: SC);
20 03050108 (Broad River: SC);
21 05050001 (New River: NC and VA);
22 05050002 (New River: VA and WV);
23 03050101 (Catawba River: NC and SC);
24 03050103 (Catawba River: NC and SC);
25 03050104 (Catawba River: SC);
26 03010203 (Chowan River: NC and VA);
27 03010204 (Chowan River: NC and VA);
28 06010105 (French Broad River: NC and TN);
29 06010106 (French Broad River: NC and TN);
30 06010107 (French Broad River: TN);
31 06010108 (French Broad River: NC and TN);
32 06020001 (Hiwassee River: AL, GA, TN);
33 06020002 (Hiwassee River: GA, NC, TN);
34 06010201 (Little Tennessee River: TN);
35 06010202 (Little Tennessee River: TN, GA, and NC);
36 06010204 (Little Tennessee River: NC and TN);
37 03060101 (Savannah River: NC and SC);
38 03060102 (Savannah River: GA, NC, and SC);
39 03060103 (Savannah River: GA and SC);
40 03060104 (Savannah River: GA);
41 03060105 (Savannah River: GA);
42 03040203 (Lumber River: NC and SC);
43 03040204 (Lumber River: NC and SC);
44 03040206 (Lumber River: NC and SC);

- 1 03040207 (Lumber River: NC and SC);
- 2 03010205 (Albemarle Sound: NC and VA);
- 3 06020003 (Ocoee River: GA, NC, and TN);
- 4 03010101 (Roanoke River: VA);
- 5 03010102 (Roanoke River: NC and VA);
- 6 03010103 (Roanoke River: NC and VA);
- 7 03010104 (Roanoke River: NC and VA);
- 8 03010105 (Roanoke River: VA);
- 9 03010106 (Roanoke River: NC and VA);
- 10 06010102 (Watauga River: TN and VA);
- 11 06010103 (Watauga River: NC and TN);
- 12 03040101 (Yadkin River: VA and NC);
- 13 03040104 (Yadkin River: NC and SC);
- 14 03040105 (Yadkin River: NC and SC);
- 15 03040201 (Yadkin River: NC and SC);
- 16 03040202 (Yadkin River: NC and SC).
- 17 c. Each county in this State located in whole or in part of the area
- 18 of the source river basin downstream from the proposed point
- 19 of withdrawal.
- 20 d. Any area in the State in a river basin for which the source river
- 21 basin has been identified as a future source of water in a local
- 22 water supply plan prepared pursuant to G.S. 143-355(l).
- 23 e. Each county in the State located in whole or in part of the
- 24 receiving river basin.
- 25 (3) By giving notice by first-class mail or electronic mail to each of the
- 26 following:
- 27 a. The board of commissioners of each county in this State or the
- 28 governing body of any county or city that is politically
- 29 independent of a county in any state that is located entirely or
- 30 partially within the source river basin of the proposed transfer
- 31 and that also falls within, in whole or in part, the area denoted
- 32 by one of the eight-digit cataloging units listed in
- 33 sub-subdivision b. of subdivision (2) of this subsection.
- 34 b. The board of commissioners of each county in this State or the
- 35 governing body of any county or city that is politically
- 36 independent of a county in any state that is located entirely or
- 37 partially within the receiving river basin of the proposed
- 38 transfer and that also falls within, in whole or in part, the area
- 39 denoted by one of the eight-digit cataloging units listed in
- 40 sub-subdivision b. of subdivision (2) of this subsection.
- 41 c. The governing body of any public water supply system that
- 42 withdraws water upstream or downstream from the withdrawal
- 43 point of the proposed transfer.

- d. If any portion of the source or receiving river basins is located in another state, all state water management or use agencies, environmental protection agencies, and the office of the governor in ~~each adjacent~~that state upstream or downstream from the withdrawal point of the proposed transfer.
- e. All persons who have registered a water withdrawal or transfer from the proposed source river basin under this Part or under similar law in an ~~adjacent~~another state.
- f. All persons who hold a certificate for a transfer of water from the proposed source river basin under this Part or under similar law in an ~~adjacent~~another state.
- g. All persons who hold a National Pollutant Discharge Elimination System (NPDES) wastewater discharge permit for a discharge of 100,000 gallons per day or more upstream or downstream from the proposed point of withdrawal.
- h. To any other person who submits to the applicant a written request to receive all notices relating to the petition."

SECTION 8.4. If House Bill 819 becomes law, then G.S. 130A-309.91(9), as enacted by Section 1 of House Bill 819, reads as rewritten:

"(9) Television manufacturer. – A person that: (i) manufactures for sale in this State a television under a brand that it licenses or owns; (ii) manufactures for sale in this State a television without affixing a brand; (iii) resells into this State a television under a brand it owns or licenses produced by other suppliers, including retail establishments that sell a television under a brand that the retailer owns or licenses; (iv) imports into the United States or exports from the United States a television for sale in this State; (v) sells at retail a television acquired from an importer that is the manufacturer as described in ~~(i)~~(iv) of this subdivision, and the retailer elects to register in lieu of the importer as the manufacturer of those products; (vi) manufactures a television for or supplies a television to any person within a distribution network that includes wholesalers or retailers in this State and that benefits from the sale in this State of the television through the distribution network; or (vii) assumes the responsibilities and obligations of a television manufacturer under this Part. In the event the television manufacturer is one that manufactures, sells, or resells under a brand it licenses, the licensor or brand owner of the brand shall not be considered to be a television manufacturer under (i) or (iii) of this subdivision."

PART IV. EFFECTIVE DATE.

SECTION 9. Section 1 of this act becomes effective 1 January 2009. Section 2 of this act is retroactive to 1 November 2007. Section 6 of this act becomes

1 effective 1 October 2008. Sections 3, 4, 5, and 7.1 through 9 of this act are effective
2 when this act becomes law.