

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

S

2

SENATE BILL 847*
Agriculture/Environment/Natural Resources Committee Substitute Adopted
5/10/07

Short Title: Environmental Technical Corrections 2007.

(Public)

Sponsors:

Referred to:

March 19, 2007

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL
3 AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT,
4 AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 58-37-1 reads as rewritten:

7 "§ 58-37-1. Definitions.

8 As used in this Article:

9 ...

10 (7) "Motor vehicle insurance" means direct insurance against liability
11 arising out of the ownership, operation, maintenance or use of a motor
12 vehicle for bodily injury including death and property damage and
13 includes medical payments and uninsured and underinsured motorist
14 coverages.

15 With respect to motor carriers who are subject to the financial responsibility
16 requirements established under the Motor Carrier Act of 1980, the
17 term, "motor vehicle insurance" includes coverage with respect to
18 environmental restoration. As used in this subsection the term,
19 "environmental restoration" means restitution for the loss, damage, or
20 destruction of natural resources arising out of the accidental discharge,
21 dispersal, release, or escape into or upon the land, atmosphere, ~~water~~
22 ~~course~~ watercourse, or body of water of any commodity transported by
23 a motor carrier. Environmental restoration includes the cost of removal
24 and the cost of necessary measures taken to minimize or mitigate
25 damage to human health, the natural environment, fish, shellfish, and
26 wildlife.

27"

28 SECTION 2. G.S. 104E-10.1 reads as rewritten:

1 **"§ 104E-10.1. Additional requirements for low-level radioactive waste facilities.**

2 (a) An applicant for a permit for a low-level radioactive facility shall satisfy the
3 ~~department~~ Department that:

4 (1) Any low-level radioactive waste facility heretofore constructed or
5 operated by the applicant (or any parent or subsidiary corporation if
6 the applicant is a corporation) has been operated in accordance with
7 sound waste management practices and in substantial compliance with
8 federal and state laws and regulations; and

9 (2) The applicant (or any parent or subsidiary corporation if the applicant
10 is a corporation) is financially qualified to operate the subject
11 low-level radioactive waste facility.

12 The approval of a permit shall be contingent upon the applicant first satisfying the
13 ~~department~~ Department that ~~he~~ the applicant has met the above two requirements. In
14 order to continue to hold a ~~license~~ permit under this Chapter, a ~~licensee~~ the permittee
15 must remain financially qualified, and must provide any information requested by the
16 Department to show that ~~he~~ the permittee continues to be financially qualified.

17 (b) Each permit applicant or permit holder (~~or~~ or any parent or subsidiary
18 corporation if the permit applicant or permit holder is a ~~corporation~~ corporation, as a
19 condition of receiving or holding a permit, shall have an independent annual audit by a
20 firm of duly licensed certified public accountants carrying a minimum of five million
21 dollars (\$5,000,000) professional liability insurance coverage, proof of which coverage
22 shall be provided with the issuance of the audit report. Each permit applicant or permit
23 holder referred to above shall also provide the Department of ~~Environment and Natural~~
24 ~~Resources~~ with a copy of the report and shall submit a copy of the report to the State
25 Auditor for approval regarding its adequacy and completeness. As a minimum, the
26 required report shall include the financial statements prepared in accordance with
27 generally accepted accounting principles, all disclosures in the public interest required
28 by law, and the auditor's opinion and comments relating to the financial statements. The
29 audit shall be performed in conformity with generally accepted auditing standards.

30 (c) Within 10 days of receiving an application for a ~~license~~ permit or an
31 amendment to a ~~license~~ permit to operate a low-level radioactive waste facility, the
32 Department shall notify the clerk of the board of commissioners of the county or
33 counties in which the facility is proposed to be located or is located, and, if the facility
34 is to be located or is located within a city, the clerk of the governing board of the city,
35 that the application has been filed, and shall file a copy of the application with the clerk.
36 Prior to issuing a ~~license~~ permit or an amendment to an existing ~~license~~ permit, the
37 Secretary ~~of the Department~~ or his the Secretary's designee shall conduct a public
38 hearing in the county, or in one of the counties, in which a person proposes to operate a
39 low-level radioactive waste facility or to enlarge an existing facility. The Secretary shall
40 give notice of the hearing at least 30 days prior to the date thereof by:

41 (1) Publication in a newspaper or newspapers having general circulation in
42 the county or counties where the facility is to be located for three
43 consecutive weeks beginning 30 days prior to the scheduled date of the
44 hearing; and

1 (2) First class mail to persons who have requested such notice. The
2 Department shall maintain a mailing list of persons who request notice
3 pursuant to this subsection."

4 **SECTION 3.** G.S. 120-70.36 reads as rewritten:

5 **"§ 120-70.36. Staffing.**

6 The Legislative Services Officer shall assign as staff to the Joint Select Committee
7 professional employees of the General Assembly, as approved by the Legislative
8 Services Commission. Clerical staff shall be assigned to the Joint Select Committee
9 through the offices of the ~~Supervisor of Clerks of the Senate and Supervisor of Clerks of~~
10 ~~the House of Representatives~~ Directors of Legislative Assistants of the Senate and
11 House of Representatives. The expenses of employment of clerical staff shall be borne
12 by the Joint Select Committee."

13 **SECTION 4.** G.S. 120-70.46 reads as rewritten:

14 **"§ 120-70.46. Staffing.**

15 The Legislative Services Officer shall assign as staff to the Environmental Review
16 Commission professional employees of the General Assembly, as approved by the
17 Legislative Services Commission. Clerical staff shall be assigned to the Environmental
18 Review Commission through the offices of the ~~Supervisor of Clerks of the Senate and~~
19 ~~Supervisor of Clerks of the House of Representatives~~ Directors of the Legislative
20 Assistants of the Senate and House of Representatives. The expenses of employment of
21 clerical staff shall be borne by the Environmental Review Commission."

22 **SECTION 5.** G.S. 120-70.65 reads as rewritten:

23 **"§ 120-70.65. Staffing.**

24 The Legislative Services Officer shall assign as staff to the Commission professional
25 employees of the General Assembly, as approved by the Legislative Services
26 Commission. Clerical staff shall be assigned to the Commission through the ~~Offices of~~
27 ~~the Supervisor of Clerks of the Senate and Supervisor of Clerks of the House of~~
28 ~~Representatives~~ offices of the Directors of Legislative Assistants of the Senate and
29 House of Representatives. The expenses of employment of clerical staff shall be borne
30 by the Commission."

31 **SECTION 6.** G.S. 130A-294(f) reads as rewritten:

32 "(f) Within 10 days of receiving an application for a permit or for an amendment
33 to an existing permit for a hazardous waste facility, the Department shall notify the
34 clerk of the board of commissioners of the county or counties in which the facility is
35 proposed to be located or is located and, if the facility is proposed to be located or is
36 located within a city, the clerk of the governing board of the city, that the application
37 has been filed, and shall file a copy of the application with the clerk. Prior to the
38 issuance of a permit or an amendment of an existing permit the Secretary or ~~his~~ the
39 Secretary's designee shall conduct a public hearing in the county, or in one of the
40 counties in which the hazardous waste facility is proposed to be located or is located.
41 The Secretary or ~~his~~ the Secretary's designee shall give notice of the hearing, and the
42 public hearing shall be in accordance with applicable federal regulations adopted
43 pursuant to RCRA and with Chapter 150B of the General Statutes. Where the provisions

1 of the federal regulations and Chapter 150B of the General Statutes are inconsistent, the
2 federal regulations shall apply."

3 **SECTION 7.** G.S. 143-215.74 reads as rewritten:

4 "**§ 143-215.74. Agriculture cost share program.**

5 (a) There is created the Agriculture Cost Share Program for Nonpoint Source
6 Pollution Control. The program shall be created, implemented, and supervised by the
7 Soil and Water Conservation Commission.

8 (b) The program shall be subject to the following requirements and limitations:

9 (1) The purpose of the program shall be to reduce the input of agricultural
10 nonpoint source pollution into the ~~water courses~~ watercourses of the
11 State.

12 (2) The program shall initially include the present 16 nutrient sensitive
13 watershed counties and 17 additional counties.

14"

15 **SECTION 8.** G.S. 160A-479.7(a) reads as rewritten:

16 "(a) The charter may confer on the regional sports authority any or all of the
17 following powers:

18 ...

19 (16) To study and plan for new and improved major regional sports and
20 recreational facilities including but not limited to arenas, stadia,
21 gymnasia, natatoria, pitches, fields, ~~water courses~~ watercourses, and
22 other areas for the conduct of sports and recreational activities. These
23 facilities should be of such sizes and in such locations that they will be
24 adequate to serve the population of the entire jurisdiction of the
25 authority (and beyond) to the extent possible;

26"

27 **SECTION 9.** Section 12.7(d) of S.L. 2006-66 reads as rewritten:

28 "**DEPARTMENT OF COMMERCE/REPORT ON AGRIBUSINESS FUNDS**

29 **SECTION 12.7.(d)** The Department shall submit the report to the House
30 Appropriations ~~Committee~~ Subcommittee on Environment, Health, and Natural and
31 Economic Resources, the Senate Appropriations Committee on Natural and Economic
32 Resources, and the Fiscal Research Division no later than May 1, 2007."

33 **SECTION 10.** Section 2 of S.L. 2006-139 reads as rewritten:

34 "**SECTION 2.** The Commissioner of Agriculture shall file a report no later than 31
35 March of each year with the Chairs of the House of Representatives Appropriations
36 Subcommittee on Natural and Economic Resources and Senate Appropriations
37 ~~Subcommittees~~ Committee on Natural and Economic Resources, the Chair of the House
38 of Representatives Agriculture Committee, and the Chair of the Senate Committee on
39 Agriculture, Environment, and Natural Resources which shall include the following:

40 (1) The short- and long-term problems associated with maintaining a
41 viable dairy industry in the State.

42 (2) Ways to sustain the existing dairy industry in the State.

43 (3) Opportunities to expand the dairy industry, including attracting both
44 new dairy producers and new processors to the State.

- 1 (4) The contribution of dairy farms to the maintenance of prime
2 agricultural land and the quality of life in the State.
3 (5) An analysis of the effectiveness of the Dairy Stabilization and Growth
4 Program in achieving the goals of maintaining a local supply of fresh
5 milk for processing and consumption, facilitating the entry of young
6 farmers into the dairy industry, and preserving green space along the
7 urban fringe.
8 (6) Other factors that impact the dairy industry in the State."
9 **SECTION 11.** This act is effective when it becomes law.