

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 396
Commerce, Small Business and Entrepreneurship Committee Substitute Adopted
5/21/07

Short Title: Clarify EMC and DENR Authority.

(Public)

Sponsors:

Referred to:

February 28, 2007

A BILL TO BE ENTITLED

AN ACT CLARIFYING THE AUTHORITY OF THE ENVIRONMENTAL
MANAGEMENT COMMISSION AND THE DEPARTMENT OF
ENVIRONMENT AND NATURAL RESOURCES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-211(c) reads as rewritten:

"(c) It is the purpose of this Article to create an agency which shall administer a program of water and air pollution control and water resource management. It is the intent of the General Assembly, through the duties and powers defined herein, to confer such authority upon the Department of Environment and Natural Resources as shall be necessary to administer a complete program of water and air conservation, pollution abatement and control and to achieve a coordinated effort of pollution abatement and control with other jurisdictions. Standards of water and air purity shall be designed to protect human health, to prevent injury to plant and animal life, to prevent damage to public and private property, to insure the continued enjoyment of the natural attractions of the State, to encourage the expansion of employment opportunities, to provide a permanent foundation for healthy industrial development and to secure for the people of North Carolina, now and in the future, the beneficial uses of these great natural resources. It is the intent of the General Assembly that the powers and duties of the Environmental Management Commission and the Department of Environment and Natural Resources be construed so as to enable the Department and the Commission to qualify to administer federally mandated programs of environmental management and to qualify to accept and administer funds from the federal government for such programs. It is also the intent of the General Assembly that neither the Environmental Management Commission nor the Department of Environment and Natural Resources may impose as a condition of any permit, approval, or certification any requirement beyond the authority of the applicant of such permit, approval, or certification to satisfy or any condition not specifically authorized by act of the General Assembly.

- 1 Additionally, no condition may be imposed on any permit, approval, or certification that
2 is not supported by a preponderance of evidence justifying its imposition."
3 **SECTION 2.** This act is effective when it becomes law.