

May 18, 2000

S 1341. PETROLEUM DISCHARGE/DE MINIMIS REPT (=H 1618). TO EXTEND DE MINIMIS REPORTING EXCEPTION TO ALL DISCHARGES OF PETROLEUM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION. Amends GS 143-215.85 to require person who has control over petroleum that is discharged into environment to immediately take measures to collect and remove discharge and to report discharge to DENR within 24 hours if the volume of the petroleum that is discharged is 25 gallons or more or if causes a sheen on nearby water surface or if discharge is at a distance of 100 feet or less from any surface water body. If discharge is less than 25 gallons and does not meet other qualifications, person must take measures to collect and remove discharge but need not report it unless discharge cannot be cleaned up within 24 hours or causes a sheen on nearby water surface.

Intro. by Albertson.

Ref. to Agriculture	GS 143
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June 30, 2000

S 1341. FLOOD HAZARD PREVENTION ACT OF 2000. Intro. 5/18/00. House committee substitute makes the following changes to 1st edition. Completely rewrites original bill, replacing it with Flood Hazard Prevention Act of 2000.

Amends Part 6 of Article 21 of Chapter 143 of the General Statutes (GS 143-215.51 through 215.61) to extend the floodplain regulations found in that part so they extend not just to the "floodway" (as defined in the current law, to mean the channel and a portion of the floodplain) of all the state's streams but to the "flood hazard area" (defined in the bill to mean the channel and all of the 100-year floodplain). Local governments, in designating flood hazard areas within their jurisdiction, must include all of the 100-year floodplain and are authorized to include areas that may exceed the 100-year floodplain. Authorizes local governments to delineate flood hazard areas by reference to maps prepared pursuant to the National Flood Insurance Program. Authorizes the Department of Crime Control and Public Safety to prepare floodplain maps showing the 100-year flood if (a) the 100-year flood and flood elevations are not identified on a map prepared under the National Flood Insurance Program within the past five years, (b) the Department determines that the areas need to be identified and the use regulated to prevent damage from flooding, and (c) the Department prepares the map in accordance with federal standards accepted for use under the flood insurance program. The Department is to advise local governments in the affected area that it is preparing the maps and then provide copies to them. It must also submit the maps to the Federal Emergency Management Agency for approval of use in the flood insurance program. Once such a map is approved, each local government in the affected area must incorporate the map into its floodplain ordinance.

Authorizes local governments to adopt ordinances to regulate uses in flood hazard areas preventing anyone from placing an artificial obstruction in the floodway of any stream or to construct any structure in a flood hazard area, except that most farming, forestry, mining, and other agricultural uses, ground level loading areas and parking areas, lawns, gardens, and play areas, and golf courses, parks, tennis courts and other similar recreational uses must be permitted. Land application of agronomic waste with a proper permit is not prohibited.

Local governments may permit uses that would otherwise be prohibited by their ordinances if they find that the use serves a critical need in the community, no feasible location exists outside the floodplain, the lowest floor of the structure is elevated one foot above the 100-year flood elevation.

Solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities may not be located within the 100-year floodplain. A structure or tank for chemical or fuel storage incidental to a use that is allowed or to the operation of a water treatment or wastewater treatment facility may be located in the 100-year floodplain if the structure or tank is elevated one foot or is designed watertight. Manufactured homes may be if the lowest floor is one foot above the 100-year flood elevation and the home is anchored to resist flotation, collapse, or lateral movement.

The Department of Crime Control and Public Safety is directed to give local governments advice and assistance.

A local flood hazard ordinance must require that the lowest floor of any new structure in the 100-year floodplain (and any existing structure which undergoes improvement above a certain level) must be set at least one foot above the 100-year flood level. A variance may be issued only if it complies with requirements for participation in the National Flood Insurance Program.

If a municipality does not exercise the powers granted in this bill in the municipality's extraterritorial zoning jurisdiction, the county shall exercise the powers there.

A local government may use all of the remedies available for enforcement of zoning ordinances to enforce an ordinance under this bill.

The bill also amends GS 159G-10(b)(1) (concerning priorities in determining applications under the Clean Water Revolving Loan and Grant Fund) to add as a priority concern the existence of a flood hazard ordinance conforming to this bill. This provision is effective Jan. 1, 2002. The remainder is effective when it becomes law.

July 13, 2000

S 1341. FLOOD HAZARD PREVENTION ACT OF 2000. Intro. 5/18/00. Conference report recommends the following changes to 2nd edition to reconcile matters in controversy. Changes title to *AN ACT TO PREVENT INAPPROPRIATE DEVELOPMENT IN THE ONE HUNDRED-YEAR FLOODPLAIN AND TO REDUCE FLOOD HAZARDS*. Deletes provision declaring that the channel and the adjoining 100-year floodplain of all the State's streams will be designated as a flood hazard area. Adds land application of septage as a use that may be made of flood hazard areas without a permit. Deletes references to manufactured homes and chemical or fuel storage tanks as other uses in flood hazard areas. Adds provision governing minimum standards for flood hazard prevention ordinances adopted by counties and cities and allows the cities and counties to grant variances from the ordinances under certain circumstances. Deletes provision requiring a local flood hazard ordinance to require that the lowest floor of any structure within the 100-year floodplain be a minimum of one foot above base flood elevation. Requires the Environmental Review Comm'n to study the need to increase minimum elevation requirements for structures that are located in floodplains and various other measures to reduce the likelihood that public assistance will be needed in response to future hurricanes and other storms. Requires the Environmental Management Comm'n to study the impacts of development in river basins. Makes other technical changes.