

March 14, 2007

**H 822. ENVIRONMENTAL TECHNICAL CORRECTIONS 2007.** Filed 3/14/07. *TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.*

Makes technical corrections to GS 58-37-1 and changes references to license and licensee to permit and permittee. Amends GS 120-70.36, GS 120-70.46, and GS 120-70.65 to make staff assignments through the Directors of the Legislative Assistants of the Senate and House of Representatives instead of the Supervisor of Clerks of the Senate and Supervisor of Clerks of the House of Representatives. Makes technical corrections to GS 130A-294, GS 143-215.74, GS 160A-479.7, and GS 113-270.1A. Amends SL 2006-66, Section 12.7 and Section 2, to require the report to be submitted to the House Appropriations Subcommittee on Natural and Economic Resources.

**Intro. by Allen, Gibson.**

GS 58,104E,113,120,130A,143,160A

May 10, 2007

**H 822. ENVIRONMENTAL TECHNICAL CORRECTIONS 2007.** Filed 3/14/07. House committee substitute makes the following changes to 1st edition. Removes proposed amendments to GS 113-270.1A(a1). Makes technical changes in Section 2.

July 8, 2008

**H 822. SWINE FARM SITING ACT AMENDS (NEW).** Filed 3/14/07. Senate committee substitute replaces the second edition with *AN ACT TO ESTABLISH CERTAIN EXCEPTIONS TO THE SETBACK REQUIREMENTS OF THE SWINE FARM SITING ACT, TO PROVIDE FOR A VARIANCE FROM THE SETBACK REQUIREMENTS IN CERTAIN CIRCUMSTANCES, AND TO PROVIDE FOR ENFORCEMENT OF THE SWINE FARM SITING ACT.*

Amends GS 106-802 to add definitions for *gestation pen* and *gestation stall*.

**Setbacks:** Current law specifies setback requirements identifying where a swine house or lagoon may be located in relationship to residences, schools, national parks, and other specified properties as well as wells for human consumption and wells supplying public water systems. Current law also specifies setbacks for sprayfields and animal waste management systems. Amends GS 106-803 to permit exceptions to the setback requirements in the following circumstances: (1) reconstruction of a swine house destroyed or damaged by fire or an act of God on the same site, (2) undertaking alterations to or new construction of a swine house for the purpose of converting gestation stalls to gestation pens so as to increase the space available to pregnant sows, or (3) alteration of a swine house on the same site in order to adapt the swine house into a different type of swine production. Designates guidelines governing when the exceptions may be applied in each circumstance.

**Variances:** Also amends GS 106-803 to provide that an owner or operator who is unable to alter an existing swine house or construct a new swine house in order to convert gestation stalls to gestation pens without increasing the noncompliance with setback requirements may apply for a variance to the Department of Environment and Natural Resources (DENR). Restricts DENR from granting the variance unless DENR finds (1) granting the variance will not increase the risk to public health, safety, or welfare, or to the environment and (2) the variance is reasonably necessary to allow the alteration or construction of the swine house. Directs DENR to only grant the minimum variance it finds necessary for the alteration or construction of the swine house.

**Enforcement:** Additionally amends GS 106-803 to provide that the Secretary of DENR may assess a civil penalty of a maximum of \$10,000 against any person who violates the setback requirements or a condition of an approved variance. Provides that each day of a continuing violation is a separate violation. Allows the Secretary to seek injunctive relief to enforce the provisions of the act and does not limit other civil or injunctive remedies available to the Secretary or to any other person under provision of law.

July 9, 2008

**H 822. SWINE FARM SITING ACT AMENDS.** Filed 3/14/07. Senate amendments make the following changes to 3rd edition.

Amendment #2 amends proposed new GS 106-803(e) to permit an exception to the setback requirements for the construction of a new swine house, alteration of a swine house, or both, on the same site if the purpose is to adapt the swine house into a different type of swine production (was, permitted a setback requirements exception for the alteration of a swine house on the same site). Makes additional conforming changes.

Amendment #1 makes technical corrections to the numbering of the provisions in GS 106-802 as amended.