

March 24, 2009

**S 838. ENVIRONMENTAL TECHNICAL CORRECTIONS 2009 (=H 709).** Filed 3/24/09. *TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT.*

Identical to H 709, filed 3/19/09.

**Intro. by Albertson.**

GS 120, 146

August 5, 2009

**S 838. AMEND ENV LAWS/ENV TECH CORRECTS 2009 (NEW).** Filed 3/24/09. House committee substitute makes the following changes to 1st edition. Rewrites bill's title to: *AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO: (1) REQUIRE ELECTRONIC REPORTING OF ENVIRONMENTAL LEAD TEST RESULTS AND BLOOD LEAD TEST RESULTS; (2) CLARIFY THE FEE STRUCTURE FOR FOOD AND LODGING PERMITS; (3) REVISE THE SUNSET PROVISION FOR NUTRIENT OFFSET PAYMENTS; (4) AMEND THE SOLID WASTE DISPOSAL TAX TO STREAMLINE THE PROCESS WHEN A LOCAL GOVERNMENT IS SERVED BY A SOLID WASTE MANAGEMENT AUTHORITY; (5) REPEAL THE REQUIREMENT THAT SEASONAL STATE PARK EMPLOYEES WEAR A UNIFORM VEST; (6) CLARIFY IMPLEMENTATION OF NUTRIENT OFFSETS OF THE JORDAN LAKE RULES; (7) CLARIFY IMPLEMENTATION OF THE JORDAN LAKE RULES RELATED TO FEDERAL AND STATE ENTITIES; (8) MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT AND NATURAL RESOURCES; AND (9) AMEND OR REPEAL VARIOUS ENVIRONMENTAL REPORTING REQUIREMENTS.*

Adds following new provisions to bill: (1) Amends GS 130A-131.8 to require laboratories to report environmental lead test results for children under six; to require that those results and results for blood lead tests be reported electronically; to require inclusion of child's ethnicity in report; and to specify information to be contained in report on address where sample collected, surface type, etc.; (2) Amends GS 130A-248(d) to provide that all food and lodging establishments except nutrition programs for elderly, establishments that prepare and sell meat and poultry product, and school cafeterias, must pay \$50 for each permit, and that fee is reassessed annually for permits that do not expire; (3) Amends SL 2007-438 to extend from September 2009 to September 2010 the deadline for Department of Environment and Natural Resources (DENR) to move from fee-based to actual cost structure for nutrient offset payments; (4) Amends GS 105-187.63 to eliminate requirement that cities and counties served by regional solid waste management authorities forward to the authority their share of solid waste disposal tax; (5) Repeals GS 113-35.1 requiring DENR to provide uniform vest for seasonal park employees; (6) Makes numerous amendments to SL 2009-216 (Jordan Reservoir water quality) described as clarifying and conforming changes. Includes new section on implementation of New Development Rule 15A NCAC 02B .0265 (stormwater management for new development) pending revised permanent rule taking effect. Also includes new section on implementation of State and Federal Rule 15A NCAC 02B .0271 (stormwater requirement for state and federal entities) pending effective date of new rule adopted to replace that rule. Also addresses implementation of Riparian Buffer Rule 15A NCAC 02B .0267 pending effective date of revised permanent rule Commission is to adopt. (7) Amends GS 106-744(i) to have Agricultural Development and Farmland Preservation Trust Advisory Committee report on October 1 rather than May 1 each year; (8) Amends GS 113-44.15(c) to eliminate requirement that Parks and Recreation Authority provide progress report by March 15 each year; (9) Amends GS 113-77.9(e) to require Secretary of DENR to report once each year rather than twice on grants awarded from Natural Heritage Trust Fund, with report to be made by October 1; (10) Repeals GS 143-58.2(f) requirement that each state agency, community college, and school system report annually on purchases with recycled content. Provisions on reports effective January 1, 2010; remainder of bill effective when it becomes law.

August 6, 2009

**S 838. AMENDMENTS TO ENVIRONMENTAL LAWS 2009 (NEW).** Filed 3/24/09. House committee substitute makes the following changes to 2nd edition. Amends new Section 5(c) in SL 2009-216 to modify the implementation of New Development Rule 15A NCAC 02B .0265 to require that new development that would exceed the nitrogen or phosphorous loading rate targets set out in sub-subdivision (i) of sub-subdivision (a) of subdivision (3) of the rule without the use of engineered stormwater controls (was, new development that has been built upon area that equals or exceeds 24%) and that is not subject to more stringent stormwater requirements under SL 2006-246 or rules adopted pursuant to GS 143-214.5 have engineered stormwater controls that meet design requirements set out in the rule and achieve 85% removal of total suspended solids.

Amends Section 16.6 of SL 2007-550, as amended, to extend the January 1, 2010, effective dates for certain statutes in Part 2E (Discarded Computer Equipment Management) of Article 9 of GS Chapter 130A and Sections 16.2, 16.6, and any other provision of Section 16 without a specified effective date to July 1, 2010. Adds that GS 130A-309.95(4) becomes effective July 1, 2010. Makes technical changes.

Amends Section 8 of SL 2008-208 to delete that Section 5 of the act is effective January 1, 2011. Changes the effective date of the remainder of the act to July 1, 2010 (was, when the act becomes law). Makes technical changes.

Makes a conforming change to the title.

August 6, 2009

**S 838. AMENDMENTS TO ENVIRONMENTAL LAWS 2009.** Filed 3/24/09. House amendments make the following changes to 3rd edition. Amendment #1 provides that amendments to GS 130A-248(d) are as set forth in the previous edition only if Senate Bill 202 does not become law. If Senate Bill 202 does become law, amends GS 130A-248(d) to provide that each establishment subject to the statute, except certain nutrition programs for elderly, all food and lodging establishments that prepare and sell meat and poultry products, and public school cafeterias must pay a \$75 fee (was, annually) *for each permit issued*, and that the fee is reassessed annually for permits that do not expire.

Amendment #2 amends Section 5 of SL 2009-406 to specify that the act must not be construed or implemented to affect the ability of a government entity to accept voluntary relinquishment of a development approval by the holder of the development approval pursuant to law.

Amendment #3 makes a technical change.

September 1, 2009

**SL 2009-484 (S 838). AMENDMENTS TO ENVIRONMENTAL LAWS 2009. AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO: (1) REQUIRE ELECTRONIC REPORTING OF ENVIRONMENTAL LEAD TEST RESULTS AND BLOOD LEAD TEST RESULTS; (2) CLARIFY THE FEE STRUCTURE FOR FOOD AND LODGING PERMITS; (3) REVISE THE SUNSET PROVISION FOR NUTRIENT OFFSET PAYMENTS; (4) AMEND THE SOLID WASTE DISPOSAL TAX TO STREAMLINE THE PROCESS WHEN A LOCAL GOVERNMENT IS SERVED BY A SOLID WASTE MANAGEMENT AUTHORITY; (5) REPEAL THE REQUIREMENT THAT SEASONAL STATE PARK EMPLOYEES WEAR A UNIFORM VEST; (6) CLARIFY IMPLEMENTATION OF NUTRIENT OFFSETS UNDER THE JORDAN LAKE RULES; (7) CLARIFY IMPLEMENTATION OF THE JORDAN LAKE RULES RELATED TO FEDERAL AND STATE ENTITIES; (8) MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT AND NATURAL RESOURCES; (9) AMEND OR REPEAL VARIOUS ENVIRONMENTAL REPORTING REQUIREMENTS; AND (10) DELAY THE EFFECTIVE DATES FOR LAWS GOVERNING THE MANAGEMENT OF DISCARDED COMPUTER EQUIPMENT AND DISCARDED TELEVISIONS TO JULY 1, 2010.** Summarized in *Daily Bulletin* 3/24/09, 8/5/09, and 8/6/09. Enacted August 26, 2009. Sections 12–15 are effective January 1, 2010. The remainder is effective August 26, 2009.