



1 RECOMMEND WHETHER THOSE PROGRAMS SHOULD INCLUDE  
2 CONSIDERATION OF THE IMPACTS OF GLOBAL CLIMATE CHANGE; (15)  
3 REQUIRE ALL PUBLIC AGENCIES TO RECYCLE ALL SPENT FLUORESCENT  
4 LIGHTS AND MERCURY THERMOSTATS, REQUIRE THE REMOVAL OF ALL  
5 FLUORESCENT LIGHTS AND MERCURY THERMOSTATS FROM BUILDINGS  
6 PRIOR TO DEMOLITION, AND BAN MERCURY-CONTAINING PRODUCTS FROM  
7 UNLINED LANDFILLS; (16) AUTHORIZE THE ENVIRONMENTAL REVIEW  
8 COMMISSION TO STUDY THE PENALTIES APPLICABLE TO VIOLATIONS OF  
9 G.S. 130A-309.10 (PROHIBITED ACTS RELATED TO PACKAGING; CODED  
10 LABELING OF PLASTIC CONTAINERS REQUIRED; DISPOSAL OF CERTAIN  
11 SOLID WASTES IN LANDFILLS OR BY INCINERATION PROHIBITED); (17)  
12 PROVIDE THAT LOCAL GOVERNMENTS AND LARGE COMMUNITY WATER  
13 SYSTEMS ONLY REQUIRE SEPARATE METERS FOR NEW IN-GROUND  
14 IRRIGATION SYSTEMS FOR LOTS PLATTED AND RECORDED IN THE OFFICE  
15 OF THE REGISTER OF DEEDS AFTER JULY 1, 2009, THAT ARE CONNECTED TO  
16 THEIR SYSTEMS; (18) PROHIBIT THE USE OF HIGH ARSENIC CONTENT GLASS  
17 BEADS WHEN MARKING STATE OR MUNICIPAL ROADS OR PUBLIC  
18 VEHICULAR AREAS; (19) ENABLE TRADITIONAL COUNTRY STORES TO SELL  
19 UNCOOKED SANDWICHES, PREPARED ON PREMISES BY STORE EMPLOYEES;  
20 AND (20) CREATE AN EXPERIMENTAL PROGRAM IN WHICH THE CITY OF  
21 GREENSBORO IS GIVEN A LIMITED EXEMPTION FROM THE REQUIREMENT  
22 THAT BEAVERS TAKEN UNDER A DEPREDATION PERMIT MUST BE  
23 EUTHANIZED OR RELEASED ON THE PROPERTY WHERE CAPTURED AND THE  
24 CITY IS AUTHORIZED TO RELOCATE THOSE BEAVERS TO A SUITABLE  
25 ALTERNATIVE HABITAT.

26 The General Assembly of North Carolina enacts:

27 **SECTION 1.** G.S. 47-30(f)(9) reads as rewritten:

28 "(9) Where the plat is the result of a survey, one or more corners shall, by a  
29 system of azimuths or courses and distances, be accurately tied to and  
30 coordinated with a horizontal control monument of some United States or  
31 State Agency survey system, such as the North Carolina Geodetic Survey  
32 where the monument is within 2,000 feet of the subject property. Where the  
33 North Carolina Grid System coordinates of the monument are on file in the  
34 ~~North Carolina Office of State Budget and Management, North Carolina~~  
35 Geodetic Survey Section in the Division of Land Resources of the  
36 Department of Environment and Natural Resources, the coordinates of both  
37 the referenced corner and the monuments used shall be shown in X (easting)  
38 and Y (northing) coordinates on the plat. The coordinates shall be identified  
39 as based on "NAD 83," indicating North American Datum of 1983, or as  
40 "NAD 27," indicating North American Datum of 1927. The tie lines to the  
41 monuments shall also be sufficient to establish true north or grid north  
42 bearings for the plat if the monuments exist in pairs. Within a previously  
43 recorded subdivision that has been tied to grid control, control monuments  
44 within the subdivision may be used in lieu of additional ties to grid control.  
45 Within a previously recorded subdivision that has not been tied to grid  
46 control, if horizontal control monuments are available within 2,000 feet, the  
47 above requirements shall be met; but in the interest of bearing consistency  
48 with previously recorded plats, existing bearing control should be used  
49 where practical. In the absence of ~~Grid Control, grid control~~, other  
50 appropriate natural monuments or landmarks shall be used. In all cases, the

1 tie lines shall be sufficient to accurately reproduce the subject lands from the  
2 control or reference points used."

3 **SECTION 2.** G.S. 120-70.42(b) reads as rewritten:

4 "(b) The President Pro Tempore of the Senate shall designate one ~~Senator to serve as~~  
5 ~~cochair or more Senators~~ and the Speaker of the House of Representatives shall designate one  
6 ~~Representative to serve as cochair or more Representatives to serve as cochairs."~~

7 **SECTION 3.** G.S. 130A-310.4(b) reads as rewritten:

8 "(b) Before approving any remedial action plan, the Secretary shall make copies of the  
9 proposed plan available for inspection as follows:

10 (1) A copy of the plan shall be provided to the local health director.

11 (2) ~~A copy of the proposed plan shall be filed with the register of deeds in the~~  
12 ~~county or counties in which the site is located.~~

13 (3) A copy of the plan shall be provided to the each public library located in  
14 closest proximity to the site in the county or counties in which the site is  
15 located.

16 (4) The Secretary may place copies of the plan in other locations so as to assure  
17 the availability thereof to the public.

18 In addition, copies of the plan shall be available for inspection and copying at cost by the  
19 public during regular business hours in the offices of the agency within the Department with  
20 responsibility for the administration of the remedial action program."

21 **SECTION 4.(a)** Part 1 of Article 21 of Chapter 143 of the General Statutes is  
22 amended by adding a new section to read:

23 **"§ 143-214.25A. Riparian Buffer Protection Program: Surface Water Identification**  
24 **Training and Certification Program.**

25 (a) The Division of Water Quality of the Department shall develop a program to train  
26 and certify individuals to determine the presence of surface waters that would require the  
27 application of rules adopted by the Commission for the protection of riparian buffers. The  
28 Division may train and certify employees of the Division as determined by the Director of the  
29 Division of Water Quality; employees of units of local government to whom responsibility for  
30 the implementation and enforcement of the riparian buffer protection rules is delegated  
31 pursuant to G.S. 143-214.23; and Registered Foresters under Chapter 89B of the General  
32 Statutes who are employees of the Division of Forest Resources of the Department as  
33 determined by the Director of the Division of Forest Resources. The Director of the Division of  
34 Water Quality may review the determinations made by individuals who are certified pursuant  
35 to this section, may override a determination made by an individual certified under this section,  
36 and, if the Director of the Division of Water Quality determines that an individual is failing to  
37 make correct determinations, revoke the certification of that individual.

38 (b) The Division of Water Quality shall develop standard forms for use in making and  
39 reporting determinations. Each individual who is certified to make determinations under this  
40 section shall prepare a written report of each determination and shall submit the report to the  
41 agency that employs the individual. Each agency shall maintain reports of determinations made  
42 by its employees, shall forward a copy of each report to the Director of the Division of Water  
43 Quality, and shall maintain these reports and all other records related to determinations so that  
44 they will be readily accessible to the public."

45 **SECTION 4.(b)** In implementing the Surface Water Identification Training and  
46 Certification Program established by G.S. 143-214.25A, as enacted by Section 4(a) of this act,  
47 the Division of Water Quality of the Department of Environment and Natural Resources shall  
48 give priority to training and certifying the most highly qualified and experienced personnel in  
49 each agency. The Division of Water Quality shall evaluate the effectiveness of the Surface  
50 Water Identification Training and Certification Program and shall submit an annual report of its  
51 findings and recommendations, if any, to the Environmental Review Commission on or before

1 October 1 of each year. The Division of Water Quality shall submit the first report required by  
2 this section on or before October 1, 2011.

3 **SECTION 4.(c)** Sections 4(a), 4(b), and 4(c) of this act shall not be construed to  
4 obligate the General Assembly to appropriate any funds to implement the provisions of this act.  
5 Every agency to which this section applies shall implement the provisions of this act with funds  
6 otherwise appropriated or available to the agency.

7 **SECTION 5.** G.S. 143-215.1C(a) reads as rewritten:

8 "(a) Report to Wastewater System Customers. – The owner or operator of any  
9 wastewater collection or treatment works, the operation of which is primarily to collect or treat  
10 municipal or domestic wastewater and for which a permit is issued under this ~~Part~~, Part and  
11 having an average annual flow greater than 200,000 gallons per day, shall provide to the users  
12 or customers of the collection system or treatment works and to the Department an annual  
13 report that summarizes the performance of the collection system or treatment works and the  
14 extent to which the collection system or treatment works has violated the permit or federal or  
15 State laws, regulations, or rules related to the protection of water quality. The report shall be  
16 prepared on either a calendar or fiscal year basis and shall be provided no later than 60 days  
17 after the end of the calendar or fiscal year."

18 **SECTION 6.** G.S. 143-215.112(d)(1a) reads as rewritten:

19 "(1a) Each governing body, or its authorized agent, shall have the power to assess  
20 civil penalties under G.S. 143-215.114A. Any person assessed shall be  
21 notified of the assessment by registered or certified mail, and the notice shall  
22 specify the reasons for the assessment. If the person assessed fails to pay the  
23 amount of the assessment to the governing body or its authorized agent  
24 within 30 days after receipt of notice, or such longer period not to exceed  
25 180 days as the governing body or its authorized agent may specify, the  
26 governing body may institute a civil action in the superior court of the  
27 county in which the violation occurred, to recover the amount of the  
28 assessment. If any action or failure to act for which a penalty may be  
29 assessed under this section is continuous, the governing body or its  
30 authorized agent may assess a penalty not to exceed ~~ten thousand dollars~~  
31 ~~(\$10,000)~~ twenty-five thousand dollars (\$25,000) per day for so long as the  
32 violation continues. In determining the amount of the penalty, the governing  
33 body or its authorized agent shall consider the degree and extent of harm  
34 caused by the violation, the cost of rectifying the damage, and the amount of  
35 money the violator saved by not having made the necessary expenditures to  
36 comply with the appropriate pollution control requirements."

37 **SECTION 7.(a)** The title of Part 17A of Article 7 of Chapter 143B of the General  
38 Statutes reads as rewritten:

39 "~~Part 17A. North Carolina National Park, Parkway and Forests Development Council.~~Western  
40 North Carolina Public Lands Council."

41 **SECTION 7.(b)** G.S. 143B-324.1 reads as rewritten:

42 "**§ 143B-324.1. North Carolina National Park, Parkway and Forests Development**  
43 **Council; Western North Carolina Public Lands Council creation; powers;**  
44 **duties.**

45 The ~~North Carolina National Park, Parkway and Forests Development Council~~ Western  
46 North Carolina Public Lands Council is created within the Department of Environment and  
47 Natural Resources. The Council shall:

48 ...."

49 **SECTION 7.(c)** G.S. 143B-324.2 reads as rewritten:

50 ...."

1 "**§ 143B-324.2. ~~North Carolina National Park, Parkway and Forests Development~~**  
2 **~~Council—Western North Carolina Public Lands Council~~ members; selection;**  
3 **officers; removal; compensation; quorum; services.**

4 (a) Members; Selection; and Terms of Service. – ~~The North Carolina National Park,~~  
5 ~~Parkway and Forests Development Council—Western North Carolina Public Lands Council~~  
6 within the Department of Environment and Natural Resources shall consist of seven members  
7 appointed by the Governor. The composition of the Council shall be as follows:

8 (1) ~~one~~One member shall be a resident of Buncombe ~~County, County.~~

9 (2) ~~one~~One member shall be a resident of Haywood ~~County, County.~~

10 (3) ~~one~~One member shall be a resident of Jackson ~~County, County.~~

11 (4) ~~one~~One member shall be a resident of Swain ~~County, County.~~

12 (5) One member shall be a resident of Cherokee County.

13 (6) ~~three~~Two members shall be residents of counties adjacent to the Blue Ridge  
14 Parkway, the Great Smoky Mountains National Park or the Pisgah or  
15 Nantahala national forests.

16 The appointment of members shall be for terms of four years, or until their successors are  
17 appointed and qualify. Any appointment to fill a vacancy on the Council created by the  
18 resignation, dismissal, death or disability of a member shall be for the balance of the unexpired  
19 term.

20 (b) Officers. – The Council shall elect a ~~chairman, chair,~~ a ~~vice-chairman~~vice-chair, and  
21 a secretary. The ~~chairman and the vice-chairman~~chair and vice-chair shall all be members of  
22 the Council, but the secretary need not be a member of the Council. These officers shall  
23 perform the duties usually pertaining to such offices and when elected shall serve for a period  
24 of one year, but may be reelected. In case of vacancies by resignation or death, the office shall  
25 be filled by the Council for the unexpired term of said officer.

26 (c) Removal. – The Governor shall have the power to remove any member of the  
27 Council from office in accordance with the provisions of G.S. 143B-16 of the Executive  
28 Organization Act of 1973.

29 (d) Compensation. – Members of the Council shall receive per diem and necessary  
30 travel and subsistence expenses in accordance with the provisions of G.S. 138-5 and  
31 G.S. 143B-15 of the Executive Organization Act of 1973.

32 (e) Quorum. – Five members of the Council shall constitute a quorum for the  
33 transaction of business."

34 **SECTION 7.(d)** G.S. 143B-324.3 reads as rewritten:

35 "**§ 143B-324.3. ~~North Carolina National Park, Parkway and Forests Development~~**  
36 **~~Council—Western North Carolina Public Lands Council~~ meetings.**

37 ~~The North Carolina National Park, Parkway and Forests Development Council—Western~~  
38 ~~North Carolina Public Lands Council~~ shall meet monthly and may hold special meetings at any  
39 time and place within the State at the call of the ~~chairman~~ chair or upon written request of at  
40 least a majority of the members."

41 **SECTION 7.(e)** G.S. 143B-432(a) reads as rewritten:

42 "(a) The Division of Economic Development of the Department of Natural and Economic  
43 Resources, the Science and Technology Committee of the Department of Natural and  
44 Economic Resources, the Science and Technology Research Center of the Department of  
45 Natural and Economic Resources, and the ~~North Carolina National Park, Parkway and Forests~~  
46 ~~Development Council—Western North Carolina Public Lands Council~~ of the Department of  
47 Natural and Economic Resources are each hereby transferred to the Department of Commerce  
48 by a Type I transfer, as defined in G.S. 143A-6."

49 **SECTION 7.(f)** G.S. 143B-433 reads as rewritten:

50 "**§ 143B-433. Department of Commerce – organization.**

51 The Department of Commerce shall be organized to include:

(1) The following agencies:

...

p. ~~North Carolina National Park, Parkway and Forests Development Council.~~ Western North Carolina Public Lands Council.

...."

**SECTION 7.(g)** G.S. 153B-3(d) reads as rewritten:

"(d) Membership. – The Commission shall consist of 17 members as follows:

...

(4) One member to represent the ~~North Carolina National Parks, Parkway and Forests Development Council.~~ Western North Carolina Public Lands Council.

...."

**SECTION 8.** G.S. 143-355.2(h1) reads as rewritten:

"(h1) A trade or professional organization representing commercial car washes may establish a voluntary water conservation and water use efficiency certification program to encourage and promote the use of year-round water conservation and water use efficiency ~~measures~~ measures. Implementation of a voluntary water conservation and water use efficiency program shall be considered in determining compliance with local government water shortage response plans as follows:

(1) A water conservation and water use efficiency certification may only be issued to a person that demonstrates ~~that water use from its water consuming processes is reduced by and maintained at twenty percent (20%) or more below the yearly average water use for the calendar year preceding application for certification.~~ full implementation of a voluntary water conservation and water use efficiency program that is approved pursuant to subdivision (3) of this subsection. In order to receive and maintain certification, a person must have its facility inspected on an annual basis by a licensed plumbing contractor who will confirm that the applicant is in compliance with the standards of the certification program.

(2) A unit of local government that provides public water service or a large community water system shall recognize and credit a commercial car wash that has met the standards of a certification program for at least six months prior to the most recent extreme drought designation for water conservation achieved under the program. To the extent that a tiered response stage in the water shortage response plan requires commercial or industrial users to implement a percentage reduction in use, a car wash certified under a program shall be credited with the percentage reduction achieved by measures implemented under the program. Car washes certified under a program shall not be required to reduce consumption more than any other class of commercial or industrial water users during a water shortage emergency.

(3) To qualify as an approved water conservation and water use efficiency certification program, the Department of Environment and Natural Resources shall determine that the program ~~effectively utilizes industry best management practices for the efficient use of water and~~ achieves year-round reductions in water use and results in a reduction of twenty percent (20%) or more in average water use per vehicle. Best management practices may include, but are not limited to, recycling, reclaiming, or reusing a portion of the water in the consuming processes. If a unit of local government that provides public water service or a large community water system determines that a person certified under such a program is not

1 complying with the terms and standards of the certification program, it may  
2 refuse to recognize and credit the conservation measures."

3 **SECTION 9.** G.S. 143-355.6 reads as rewritten:

4 **"§ 143-355.6. Enforcement.**

5 (a) The Secretary may assess a civil penalty of not less than one hundred dollars  
6 (\$100.00) nor more than five hundred dollars (\$500.00) against any person who:

7 (1) Fails to report water use or other information required under  
8 G.S. 143-355(k).

9 (2) Fails to act in accordance with the terms, conditions, or requirements of an  
10 order issued by the Secretary under G.S. 143-355.3.

11 (3) Violates any provision of this Article or any rule adopted by the  
12 Commission, the Department, or the Secretary implementing this Article.

13 (b) For each willful action or failure to act for which a penalty may be assessed under  
14 this section, the Secretary may consider each day the action or inaction continues after notice is  
15 given of the violation as a separate violation. A separate penalty may be assessed for each  
16 separate violation.

17 (c) The Secretary may assess a civil penalty of not more than ten thousand dollars  
18 (\$10,000) per month against a unit of local government that provides public water service or a  
19 large community water system that fails to implement the water conservation measures set out  
20 in the water shortage response plan approved by the Department under G.S. 143-355.2,  
21 measures required by the Department under subsections (b) and (d) of G.S. 143-355.2, or the  
22 default measures required under rules adopted by the Commission under S.L. 2002-167. ~~The~~  
23 ~~Secretary may remit a civil penalty based on the factors set out in G.S. 143B-282.1(c)(1).~~

24 (c1) The amount of the civil penalty shall be based on the factors set out in  
25 G.S. 143B-282.1(b). The procedures set out in G.S. 143B-282.1 shall apply to civil penalty  
26 assessments that are presented to the Commission for final agency decision.

27 (c2) Requests for remission of civil penalties shall be filed with the Secretary. Remission  
28 requests shall not be considered unless made within 30 days of receipt of the notice of  
29 assessment. Remission requests must be accompanied by a waiver of the right to a contested  
30 case hearing pursuant to Chapter 150B of the General Statutes and a stipulation of the facts on  
31 which the assessment was based. Consistent with the limitations in G.S. 143B-282.1(c) and (d),  
32 remission requests may be resolved by the Secretary and the violator. If the Secretary and the  
33 violator are unable to resolve the request, the Secretary shall deliver remission requests and the  
34 Secretary's recommended action to the Committee on Civil Penalty Remissions of the  
35 Commission appointed pursuant to G.S. 143B-282.1(c).

36 (c3) If any civil penalty has not been paid within 30 days after the notice of assessment  
37 has been served on the violator, the Secretary shall request the Attorney General to institute a  
38 civil action in the superior court of any county in which the violator resides or in which the  
39 violator's principal place of business is located to recover the amount of the assessment, unless  
40 the violator contests the assessment as provided in subsection (e) of this section, or requests  
41 remission of the assessment in whole or in part as provided in subsection (c2) of this section. If  
42 any civil penalty has not been paid within 30 days after the final agency decision or court order  
43 has been served on the violator, the Secretary shall request the Attorney General to institute a  
44 civil action in the superior court of any county in which the violator resides or in which the  
45 violator's principal place of business is located to recover the amount of the assessment.

46 (d) The violation of emergency water conservation rules adopted by the Secretary  
47 pursuant to G.S. 143-355.3(b) is a Class 1 misdemeanor.

48 (e) The Secretary shall notify any person assessed a civil penalty of the assessment and  
49 the specific reasons for the assessment by registered or certified mail or by any means  
50 authorized by G.S. 1A-1, Rule 4. Contested case petitions shall be filed within 30 days of  
51 receipt of the notice of assessment.

1       (f) The clear proceeds of civil penalties assessed pursuant to this section shall be  
2 remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2."

3       **SECTION 10.** G.S. 143B-299(a) reads as rewritten:

4       "(a) Creation; Membership. – There is hereby created in the Department of Environment  
5 and Natural Resources the North Carolina Sedimentation Control Commission, which is  
6 charged with the duty of developing and administering the sedimentation control program  
7 provided for in this Article. The Commission shall consist of the following members:

8           (1) A person to be nominated jointly by the boards of the North Carolina League  
9 of Municipalities and the North Carolina Association of County  
10 ~~Commissioners;~~Commissioners.

11           (2) A person to be nominated by the Board of the North Carolina Home  
12 Builders ~~Association;~~Association.

13           (3) A person to be nominated by the Carolinas Branch, Associated General  
14 Contractors of ~~America;~~America.

15           (4) ~~The president, vice president, or general counsel;~~A representative of a North  
16 Carolina public utility ~~company;~~company.

17           (5) The Director of the North Carolina Water Resources Research  
18 ~~Institute;~~Institute.

19           (6) A member of the State Mining Commission who shall be a representative of  
20 nongovernmental conservation interests, as required by  
21 ~~G.S. 74-38(b);~~G.S. 74-38(b).

22           (7) A member of the State Soil and Water Conservation  
23 ~~Commission;~~Commission.

24           (8) A member of the Environmental Management ~~Commission;~~Commission.

25           (9) A soil scientist from the faculty of North Carolina State  
26 ~~University;~~University.

27           (10) Two persons who shall be representatives of nongovernmental conservation  
28 ~~interests;~~and interests.

29           (11) A professional engineer registered under the provisions of Chapter 89C of  
30 the General Statutes nominated by the Professional Engineers of North  
31 Carolina, Inc."

32       **SECTION 11.(a)** G.S. 153A-102.1 reads as rewritten:

33       "**§ 153A-102.1. ~~Electronic notice~~Notice of new fees and fee increases; public comment**  
34 **period.**

35       (a) ~~If a county has a Web site maintained by one or more of its employees, the~~A county  
36 shall provide notice to interested parties of the imposition of or increase in fees or charges  
37 applicable solely to the construction of development subject to the provisions of Part 2 of  
38 Article 18 of this Chapter ~~on the county's Web site~~ at least seven days prior to the first meeting  
39 where the imposition of or increase in the fees or charges is on the agenda for consideration.  
40 The county shall employ at least two of the following means of communication in order to  
41 provide the notice required by this section:

42           (1) Notice of the meeting in a prominent location on a Web site managed or  
43 maintained by the county.

44           (2) Notice of the meeting in a prominent physical location, including, but not  
45 limited to, any government building, library, or courthouse within the  
46 county.

47           (3) Notice of the meeting by electronic mail to a list of interested parties that is  
48 created by the county for the purpose of notification as required by this  
49 section.



1           (4) Notice of the meeting by facsimile to a list of interested parties that is  
2           created by the county for the purpose of notification as required by this  
3           section.

4           (a1) If a county manages or maintains a Web site, it may provide the notice required  
5           pursuant to G.S. 160A-4.1, 130A-64.1, or 162A-9 on its Web site at the request of a city,  
6           sanitary district, or water and sewer authority that does not manage or maintain a Web site of  
7           its own. Any county that elects to provide such notice shall post the notice to its Web site  
8           within seven days of the request made by the city, sanitary district, or water and sewer  
9           authority.

10          (b) During the consideration of the imposition of or increase in fees or charges as  
11 provided in subsection (a) of this section, the governing body of the county shall permit a  
12 period of public comment.

13          (c) This section shall not apply if the imposition of or increase in fees or charges is  
14 contained in a budget filed in accordance with the requirements of G.S. 159-12."

15           **SECTION 11.(b)** G.S. 160A-4.1 reads as rewritten:

16 **"§ 160A-4.1. ~~Electronic notice~~Notice of new fees and fee increases; public comment**  
17 **period.**

18          (a) ~~If a city has a Web site maintained by one or more of its employees, the~~A city shall  
19 provide notice to interested parties of the imposition of or increase in fees or charges applicable  
20 solely to the construction of development subject to the provisions of Part 2 of Article 19 of  
21 this Chapter ~~on the city's Web site~~ at least seven days prior to the first meeting where the  
22 imposition of or increase in the fees or charges is on the agenda for consideration. The city  
23 shall employ at least two of the following means of communication in order to provide the  
24 notice required by this section:

25           (1) Notice of the meeting in a prominent location on a Web site managed or  
26           maintained by the city.

27           (2) Notice of the meeting in a prominent physical location, including, but not  
28           limited to, any government building, library, or courthouse within the city.

29           (3) Notice of the meeting by electronic mail to a list of interested parties that is  
30           created by the city for the purpose of notification as required by this section.

31           (4) Notice of the meeting by facsimile to a list of interested parties that is  
32           created by the city for the purpose of notification as required by this section.

33          (a1) If a city does not maintain its own Web site, it may employ the notice option  
34 provided by subdivision (1) of subsection (a) of this section by submitting a request to a county  
35 or counties in which the city is located to post such notice in a prominent location on a Web  
36 site that is maintained by the county or counties. Any city that elects to provide such notice  
37 shall make its request to the county or counties at least 15 days prior to the date of the first  
38 meeting where the imposition of or increase in the fees or charges is on the agenda for  
39 consideration.

40          (b) During the consideration of the imposition of or increase in fees or charges as  
41 provided in subsection (a) of this section, the governing body of the city shall permit a period  
42 of public comment.

43          (c) This section shall not apply if the imposition of or increase in fees or charges is  
44 contained in a budget filed in accordance with the requirements of G.S. 159-12."

45           **SECTION 11.(c)** G.S. 130A-64.1 reads as rewritten:

46 **"§ 130A-64.1. ~~Electronic notice~~Notice of new or increased charges and rates; public**  
47 **comment period.**

48          (a) ~~If a sanitary district has a Web site maintained by one or more of its employees,~~  
49 ~~the~~A sanitary district shall provide notice to interested parties of the imposition of or increase  
50 in service charges or rates applicable solely to the construction of development subject to Part 2  
51 of Article 19 of Chapter 160A or Part 2 of Article 18 of Chapter 153A of the General Statutes

1 for any service provided by the sanitary district ~~on the sanitary district's Web site~~ at least seven  
2 days prior to the first meeting where the imposition of or increase in the charges or rates is on  
3 the agenda for consideration. The sanitary district shall employ at least two of the following  
4 means of communication in order to provide the notice required by this section:

5 (1) Notice of the meeting in a prominent location on a Web site managed or  
6 maintained by the sanitary district.

7 (2) Notice of the meeting in a prominent physical location, including, but not  
8 limited to, the district's headquarters or any government building, library, or  
9 courthouse located within the sanitary district.

10 (3) Notice of the meeting by electronic mail to a list of interested parties that is  
11 created by the sanitary district for the purpose of notification as required by  
12 this section.

13 (4) Notice of the meeting by facsimile to a list of interested parties that is  
14 created by the sanitary district for the purpose of notification as required by  
15 this section.

16 (a1) If a sanitary district does not maintain its own Web site, it may employ the notice  
17 option provided by subdivision (1) of subsection (a) of this section by submitting a request to a  
18 county or counties in which the district is located to post such notice in a prominent location on  
19 a Web site that is maintained by the county or counties. Any sanitary district that elects to  
20 provide such notice shall make its request to the county or counties at least 15 days prior to the  
21 date of the first meeting where the imposition of or increase in the fees or charges is on the  
22 agenda for consideration.

23 (b) During the consideration of the imposition of or increase in service charges or rates  
24 as provided in subsection (a) of this section, the governing body of the sanitary district shall  
25 permit a period of public comment.

26 (c) This section shall not apply if the imposition of or increase in service charges or  
27 rates is contained in a budget filed in accordance with the requirements of G.S. 159-12."

28 **SECTION 11.(d)** G.S. 162A-9 reads as rewritten:

29 **"§ 162A-9. Rates and charges; electronic notice; contracts for water or services; deposits;**  
30 **delinquent charges.**

31 (a) An authority may establish and revise a schedule of rates, fees, and other charges for  
32 the use of and for the services furnished or to be furnished by any water system or sewer  
33 system or parts thereof owned or operated by the authority. The rates, fees, and charges  
34 established under this subsection are not subject to supervision or regulation by any bureau,  
35 board, commission, or other agency of the State or of any political subdivision.

36 Before an authority sets or revises rates, fees, or other charges for stormwater management  
37 programs and structural or natural stormwater and drainage system service, the authority shall  
38 hold a public hearing on the matter. At least seven days before the hearing, the authority shall  
39 publish notice of the public hearing in a newspaper having general circulation in the area. An  
40 authority may impose rates, fees, or other charges for stormwater management programs and  
41 stormwater and drainage system service on a person even though the person has not entered  
42 into a contract to receive the service.

43 Rates, fees, and charges shall be fixed and revised so that the revenues of the authority,  
44 together with any other available funds, will be sufficient at all times:

45 (1) To pay the cost of maintaining, repairing, and operating the systems or parts  
46 thereof owned or operated by the authority, including reserves for such  
47 purposes, and including provision for the payment of principal of and  
48 interest on indebtedness of a political subdivision or of political subdivisions  
49 which payment shall have been assumed by the authority, and

- 1           (2) To pay the principal of and the interest on all bonds issued by the authority  
2           under the provisions of this Article as the same shall become due and  
3           payable and to provide reserves therefor.

4           The fees established under this subsection must be made applicable throughout the service  
5           area. Schedules of rates, fees, charges, and penalties for providing stormwater management  
6           programs and structural and natural stormwater and drainage system service may vary  
7           according to whether the property served is residential, commercial, or industrial property, the  
8           property's use, the size of the property, the area of impervious surfaces on the property, the  
9           quantity and quality of the runoff from the property, the characteristics of the watershed into  
10          which stormwater from the property drains, and other factors that affect the stormwater  
11          drainage system. Rates, fees, and charges imposed under this subsection for stormwater  
12          management programs and stormwater and drainage system service may not exceed the  
13          authority's cost of providing a stormwater management program and a structural and natural  
14          stormwater and drainage system. The authority's cost of providing a stormwater management  
15          program and a structural and natural stormwater and drainage system includes any costs  
16          necessary to assure that all aspects of stormwater quality and quantity are managed in  
17          accordance with federal and State laws, regulations, and rules.

18          No stormwater utility fee may be levied under this subsection whenever two or more units  
19          of local government operate separate stormwater management programs or separate structural  
20          and natural stormwater and drainage system services in the same area within a county.  
21          However, two or more units of local government may allocate among themselves the functions,  
22          duties, powers, and responsibilities for jointly operating a stormwater management program  
23          and structural and natural stormwater and drainage system service in the same area within a  
24          county, provided that only one unit may levy a fee for the service within the joint service area.  
25          For purposes of this subsection, a unit of local government shall include a regional authority  
26          providing stormwater management programs and structural and natural stormwater and  
27          drainage system services.

28          (a1) ~~If an authority has a Web site maintained by one or more of its employees, the An~~  
29          authority shall provide notice to interested parties of the imposition of or increase in rates, fees,  
30          and charges under subsection (a) of this section applicable solely to the construction of  
31          development subject to Part 2 of Article 19 of Chapter 160A or Part 2 of Article 18 of Chapter  
32          153A of the General Statutes on the authority's Web site at least seven days prior to the first  
33          meeting where the imposition of or increase in the rates, fees, and charges is on the agenda for  
34          consideration. The authority shall employ at least two of the following means of  
35          communication in order to provide the notice required by this subsection:

- 36           (1) Notice of the meeting in a prominent location on a Web site managed or  
37           maintained by the authority.  
38           (2) Notice of the meeting in a prominent physical location, including, but not  
39           limited to, the authority's headquarters or any government building, library,  
40           or courthouse located within the authority's service area.  
41           (3) Notice of the meeting by electronic mail to a list of interested parties that is  
42           created by the authority for the purpose of notification as required by this  
43           section.  
44           (4) Notice of the meeting by facsimile to a list of interested parties that is  
45           created by the authority for the purpose of notification as required by this  
46           section.

47          (a2) If an authority does not maintain its own Web site, it may employ the notice option  
48          provided by subdivision (1) of subsection (a1) of this section by submitting a request to a  
49          county or counties in which the authority is located to post such notice in a prominent location  
50          on a Web site that is maintained by the county or counties. Any authority that elects to provide  
51          such notice shall make its request to the county or counties at least 15 days prior to the date of

1 the first meeting where the imposition of or increase in the fees or charges is on the agenda for  
2 consideration.

3 (a3) During the consideration of the imposition of or increase in rates, fees, or charges  
4 under this subsection, the authority shall permit a period of public comment.

5 (a4) ~~This subsection~~ The notice requirements in subsection (a1) of this section shall not  
6 apply if the imposition of or increase in rates, fees, and charges is contained in a budget filed in  
7 accordance with the requirements of G.S. 159-12.

8 (b) Notwithstanding any of the foregoing provisions of this section, the authority may  
9 enter into contracts relating to the collection, treatment or disposal of sewage or the purchase or  
10 sale of water which shall not be subject to revision except in accordance with their terms.

11 (c) In order to insure the payment of such rates, fees and charges as the same shall  
12 become due and payable, the authority may do the following in addition to exercising any other  
13 remedies which it may have:

- 14 (1) Require reasonable advance deposits to be made with it to be subject to  
15 application to the payment of delinquent rates, fees and charges.
- 16 (2) At the expiration of 30 days after any rates, fees and charges become  
17 delinquent, discontinue supplying water or the services and facilities of any  
18 water system or sewer system of the authority.
- 19 (3) Specify the order in which partial payments are to be applied when a bill  
20 covers more than one service."

21 **SECTION 12.** Section 4 of S.L. 2005-190, as amended by Section 31 of S.L.  
22 2006-259, reads as rewritten:

23 "**SECTION 4. Other drinking water supply reservoirs.** – The Environmental  
24 Management Commission shall not make any new or increased nutrient loading allocation to  
25 any person who is required to obtain a permit under G.S. 143-215 for an individual wastewater  
26 discharge directly or indirectly into any impaired drinking water supply reservoir for which the  
27 Division of Water Quality of the Department of Environment and Natural Resources has  
28 prepared or updated a calibrated nutrient response model since 1 July 2002 until permanent  
29 rules adopted by the Commission to implement the nutrient management strategy for that  
30 reservoir become effective. The Commission shall report its progress in developing and  
31 implementing nutrient management strategies for reservoirs to which this section applies to the  
32 Environmental Review Commission by 1 April of each year beginning 1 April 2006."

33 **SECTION 13.(a)** The Wood and Crop Biomass Strategic Working Group is  
34 established. The Working Group shall identify, study, and recommend a comprehensive  
35 package of appropriate and targeted policies and financial incentives in order to do all of the  
36 following:

- 37 (1) Ensure a reliable supply of sustainably managed wood and crop biomass for  
38 energy purposes and other sectors.
- 39 (2) Develop economic opportunities for rural communities.
- 40 (3) Enhance natural resources and promote farm and forestland retention.
- 41 (4) Integrate wood and crop biomass into the State's comprehensive energy plan,  
42 as recommended by the Energy Policy Council.

43 **SECTION 13.(b)** The Wood and Crop Biomass Strategic Working Group shall be  
44 convened jointly by the Biofuels Center of North Carolina, the Department of Commerce, the  
45 Department of Environment and Natural Resources, and the North Carolina Solar Center at  
46 North Carolina State University. The Working Group shall consist of 18 members as follows:

- 47 (1) The President of the Biofuels Center of North Carolina or the President's  
48 designee.
- 49 (2) The Secretary of Commerce or the Secretary's designee.
- 50 (3) The Secretary of Environment and Natural Resources or the Secretary's  
51 designee.

- 1 (4) The Executive Director of the North Carolina Solar Center at North Carolina  
2 State University or the Executive Director's designee.
- 3 (5) The Commissioner of Agriculture or the Commissioner's designee.
- 4 (6) The President of the North Carolina Biotechnology Center or the President's  
5 designee.
- 6 (7) The President of Duke Power or the President's designee.
- 7 (8) The President of Progress Energy or the President's designee.
- 8 (9) The Director of the Southeast Office of Environmental Defense or the  
9 Director's designee.
- 10 (10) The President of the North Carolina Farm Bureau Federation or the  
11 President's designee.
- 12 (10a) One member who is a farmer, to be appointed by the President of the North  
13 Carolina Farm Bureau Federation.
- 14 (11) The President of the North Carolina Forestry Association or the President's  
15 designee.
- 16 (11a) One member who is a forest landowner, to be appointed by the President of  
17 the North Carolina Forestry Association.
- 18 (12) The Director of the North Carolina Division of Forest Resources of the  
19 Department of Environment and Natural Resources or the Director's  
20 designee.
- 21 (13) The Executive Director of the North Carolina Chapter of The Nature  
22 Conservancy or the Executive Director's designee.
- 23 (14) The President of Novozymes North America or the President's designee.
- 24 (15) The Executive Director of the North Carolina Sustainable Energy  
25 Association or the Executive Director's designee.
- 26 (16) The Executive Director of the North Carolina Conservation Network or the  
27 Executive Director's designee.

28 **SECTION 13.(c)** The Wood and Crop Biomass Strategic Working Group shall  
29 meet monthly or upon the call of the conveners beginning no later than August 1, 2010.  
30 Members of the Working Group shall not receive a salary. Members of the Working Group  
31 shall not receive per diem and travel expenses for their service on the Working Group. Staff  
32 and administrative assistance to the Working Group shall be provided by the Biofuels Center of  
33 North Carolina. The authority granted to the Working Group shall be advisory in nature, and in  
34 no way shall the Working Group be construed to have any regulatory authority.

35 **SECTION 13.(d)** The Wood and Crop Biomass Strategic Working Group shall  
36 submit an interim report of its findings and recommendations to the Environmental Review  
37 Commission, the Senate and the House of Representatives Appropriations Subcommittees on  
38 Natural and Economic Resources, and the Energy Policy Council no later than February 1,  
39 2011. A final report containing findings, recommendations, and any legislative proposals shall  
40 be submitted by the Working Group no later than May 1, 2011.

41 **SECTION 14.(a)** The Department of Administration, the Department of  
42 Agriculture and Consumer Services, the Department of Commerce, the Department of Crime  
43 Control and Public Safety, the Department of Environment and Natural Resources, the  
44 Department of Health and Human Services, the Department of Insurance, and the Department  
45 of Transportation shall:

- 46 (1) Review their respective planning and regulatory programs to determine  
47 whether the programs currently consider the impacts of global climate  
48 change, including adaptation and sea level rise.
- 49 (2) For those programs that currently consider the impacts of global climate  
50 change, the agency shall describe how the program considers the impacts of  
51 global climate change, including adaptation and sea level rise, and

1 recommend whether the consideration of the impacts of global climate  
2 change should be modified or expanded.

- 3 (3) For those programs that do not currently consider the impacts of global  
4 climate change, the agency shall recommend if and how the program should  
5 consider the impacts of global climate change, including adaptation and sea  
6 level rise.

7 **SECTION 14.(b)** No later than September 1, 2011, each State agency shall report  
8 the results of its review and any recommendations to the Department of Environment and  
9 Natural Resources. The Department shall compile the results and recommendations and report  
10 them to the Environmental Review Commission and to any future legislative commission that  
11 directly and primarily addresses issues concerning global climate change no later than  
12 November 1, 2011.

13 **SECTION 15.(a)** Article 9 of Chapter 130A of the General Statutes is amended by  
14 adding a new Part to read:

15 "Part 7. Management of Certain Products That Contain Mercury.

16 **"§ 130A-310.60. Recycling required by public agencies.**

17 (a) Each State agency, including the General Assembly, the General Court of Justice,  
18 universities, community colleges, public schools, and political subdivisions using State funds  
19 for the construction or operation of public buildings shall establish a program in cooperation  
20 with the Department of Environment and Natural Resources and the Department of  
21 Administration for the collection and recycling of all spent fluorescent lights and thermostats  
22 that contain mercury generated in public buildings owned by each respective entity. The  
23 program shall include procedures for convenient collection, safe storage, and proper recycling  
24 of spent fluorescent lights and thermostats that contain mercury and contractual or other  
25 arrangements with buyers of the recyclable materials.

26 (b) Each State agency, including the General Assembly, the General Court of Justice,  
27 universities, community colleges, the Department of Public Instruction on behalf of the public  
28 schools, and political subdivisions shall submit a report on or before December 1, 2011, that  
29 documents the entity's compliance with the requirements of subsection (a) of this section to the  
30 Department of Environment and Natural Resources and the Department of Administration. The  
31 Departments shall compile the information submitted and jointly shall submit a report to the  
32 Environmental Review Commission on or before January 15, 2012, concerning the activities  
33 required by subsection (a) of this section. The information provided shall also be included in  
34 the report required by G.S. 130A-309.06(c).

35 **"§ 130A-310.61. Removal and recycling of mercury-containing products from structures**  
36 **to be demolished.**

37 Prior to demolition of any building or structure in the State, the contractor responsible for  
38 the demolition activity or the owner of the building or structure to be demolished shall remove  
39 all fluorescent lights and thermostats that contain mercury from the building or structure to be  
40 demolished."

41 **SECTION 15.(b)** G.S. 130A-309.10 is amended by adding a new subsection to  
42 read:

43 "(m) No person shall knowingly dispose of fluorescent lights and thermostats that contain  
44 mercury in a sanitary landfill for the disposal of construction and demolition debris waste that  
45 is unlined or in any other landfill that is unlined."

46 **SECTION 15.(c)** G.S. 130A-22 reads as rewritten:

47 **"§ 130A-22. Administrative penalties.**

48 (a) The Secretary of Environment and Natural Resources may impose an administrative  
49 penalty on a person who violates Article 9 of this Chapter, rules adopted by the Commission  
50 pursuant to Article 9, or any term or condition of a permit or order issued under Article 9. Each  
51 day of a continuing violation shall constitute a separate violation. The penalty shall not exceed

1 fifteen thousand dollars (\$15,000) per day in the case of a violation involving nonhazardous  
2 waste. The penalty shall not exceed thirty-two thousand five hundred dollars (\$32,500) per day  
3 in the case of a first violation involving hazardous waste as defined in G.S. 130A-290 or  
4 involving the disposal of medical waste as defined in G.S. 130A-290 in or upon water in a  
5 manner that results in medical waste entering waters or lands of the State; and shall not exceed  
6 fifty thousand dollars (\$50,000) per day for a second or further violation involving the disposal  
7 of medical waste as defined in G.S. 130A-290 in or upon water in a manner that results in  
8 medical waste entering waters or lands of the State. The penalty shall not exceed thirty-two  
9 thousand five hundred dollars (\$32,500) per day for a violation involving a voluntary remedial  
10 action implemented pursuant to G.S. 130A-310.9(c) or a violation of the rules adopted pursuant  
11 to G.S. 130A-310.12(b). The penalty shall not exceed one hundred dollars (\$100.00) for a first  
12 violation; two hundred dollars (\$200.00) for a second violation within any 12-month period;  
13 and five hundred dollars (\$500.00) for each additional violation within any 12-month period for  
14 any violation of Part 2G of Article 9 of this Chapter. The penalty shall not exceed one hundred  
15 dollars (\$100.00) for a first violation; two hundred dollars (\$200.00) for a second violation  
16 within any 12-month period; and five hundred dollars (\$500.00) for each additional violation  
17 within any 12-month period for any violation of Part 7 of Article 9 of this Chapter and  
18 G.S. 130A-309.10(m). If a person fails to pay a civil penalty within 60 days after the final  
19 agency decision or court order has been served on the violator, the Secretary of Environment  
20 and Natural Resources shall request the Attorney General to institute a civil action in the  
21 superior court of any county in which the violator resides or has his or its principal place of  
22 business to recover the amount of the assessment. Such civil actions must be filed within three  
23 years of the date the final agency decision or court order was served on the violator."

24 **SECTION 15.(d)** G.S. 130A-25 reads as rewritten:

25 "**§ 130A-25. Misdemeanor.**

26 (a) ~~A~~ Except as otherwise provided, a person who violates a provision of this Chapter  
27 or the rules adopted by the Commission or a local board of health shall be guilty of a  
28 misdemeanor.

29 ...

30 (d) A violation of Part 7 of Article 9 of this Chapter or G.S. 130A-309.10(m) shall be  
31 punishable as a Class 3 misdemeanor."

32 **SECTION 16.** The Environmental Review Commission may study the penalties  
33 applicable to violations of G.S. 130A-309.10 (Prohibited acts related to packaging; coded  
34 labeling of plastic containers required; disposal of certain solid wastes in landfills or by  
35 incineration prohibited), and report its findings, together with any recommended legislation, to  
36 the 2011 Regular Session of the 2011 General Assembly upon its convening.

37 **SECTION 17.** G.S. 143-355.4(a) reads as rewritten:

38 "(a) Local government water systems and large community water systems shall require  
39 separate meters for new in-ground irrigation systems on lots platted and recorded in the office  
40 of the register of deeds in the county or counties in which the real property is located after July  
41 1, 2009, that are connected to their systems."

42 **SECTION 18.(a)** The General Assembly finds and declares that inorganic arsenic  
43 is a hazardous substance and is recognized by the United States Environmental Protection  
44 Agency and the United States Occupational Safety and Health Administration as a human  
45 carcinogen; that release of this substance into the environment may lead to contamination of  
46 soil and water; that the ingestion or inhalation of soil, water, plant material, or animal tissues  
47 contaminated with inorganic arsenic may lead to lung cancer, damage to the nervous system,  
48 or, in extreme cases, death from systemic poisoning; that reflective glass beads are used to  
49 reflect light when applied to roadway markers; that glass beads that contain more than 75 parts  
50 per million inorganic arsenic may represent a danger to workers who handle and apply them  
51 and a contamination potential to soil and water surrounding roadways. The General Assembly

1 therefore determines that it is in the public interest to prohibit the use of glass beads containing  
2 more than 75 parts per million inorganic arsenic used to reflect light when applied to markings  
3 on roadways.

4 **SECTION 18.(b)** Chapter 136 of the General Statutes is amended by adding a new  
5 section to read:

6 "**§ 136-30.2. Prohibit the use of high content arsenic glass beads in paint used for**  
7 **pavement marking.**

8 No pavement markings shall be placed on or along any road in the State highway system, in  
9 any municipal street system, or on any public vehicular area, as defined in G.S. 20-4.01, that is  
10 made from paint that has been mixed, in whole or in part, with reflective glass beads containing  
11 more than 75 parts per million inorganic arsenic, as determined by the United States  
12 Environmental Protection Agency Method 6010B in conjunction with the United States  
13 Environmental Protection Agency Method 3052 modified."

14 **SECTION 19.** G.S. 130A-250 is amended by adding a new subdivision to read:

15 "(13) Traditional country stores that sell uncooked sandwiches or similar food  
16 items and that engage in minimal preparation such as slicing bananas,  
17 spreading peanut butter, mixing and spreading pimiento cheese, and  
18 assembling these items into sandwiches, when this minimal preparation is  
19 the only activity that would otherwise subject these establishments to  
20 regulation under this Part. For the purposes of this subsection, traditional  
21 country stores means for-profit establishments that sell an assortment of  
22 goods, including prepackaged foods and beverages, and have been in  
23 continuous operation for at least 75 years."

24 **SECTION 20.(a)** Notwithstanding the provisions of 15A NCAC 10B.0106(d)(5) or  
25 any other provision of law, there is established an experimental program in which the City of  
26 Greensboro may relocate beavers that have been taken alive under a depredation permit along  
27 Buffalo Creek to a suitable alternative habitat along Buffalo Creek with the consent of the  
28 landowner of that new habitat.

29 **SECTION 20.(b)** Section 20(a) of this act applies only to depredation permits  
30 issued to the City of Greensboro.

31 **SECTION 21.** Section 6 of this act becomes effective October 1, 2010, and applies  
32 to violations that occur on or after that date. Section 9 of this act becomes effective October 1,  
33 2010, and applies to penalties assessed on or after that date. Sections 11(a), 11(b), 11(c), and  
34 11(d) of this act become effective February 1, 2011. Sections 15(a), 15(b), 15(c), and 15(d) of  
35 this act become effective July 1, 2011. Sections 18(a) and 18(b) become effective October 1,  
36 2010, and apply to any contracts for road projects entered into, or any pavement remarking that  
37 takes place, on or after that date. Sections 20(a) and 20(b) of this act are effective when the act  
38 becomes law and expire July 1, 2011. All other sections of this act are effective when this act  
39 becomes law.