

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

H

D

**HOUSE BILL 1766
Committee Substitute Favorable 7/1/10
Committee Substitute #2 Favorable 7/6/10
Fourth Edition Engrossed 7/7/10
PROPOSED SENATE COMMITTEE SUBSTITUTE H1766-PCS30552-TA-49**

Short Title: Amend Environmental Laws 2010.

(Public)

Sponsors:

Referred to:

May 18, 2010

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES
3 LAWS TO: (1) CHANGE THE LOCATION OF THE HORIZONTAL CONTROL
4 MONUMENT FILES FOR PLAT AND SUBDIVISION MAPPING REQUIREMENTS;
5 (2) PROVIDE THAT THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE
6 SPEAKER OF THE HOUSE OF REPRESENTATIVES MAY DESIGNATE MULTIPLE
7 MEMBERS TO SERVE AS COCHAIRS OF THE ENVIRONMENTAL REVIEW
8 COMMISSION; (3) REPEAL THE REQUIREMENT THAT REMEDIAL ACTION
9 PLANS BE RECORDED IN THE REGISTER OF DEEDS OFFICE AND MODIFY THE
10 REQUIREMENT THAT REMEDIAL ACTION PLANS BE PLACED IN EACH PUBLIC
11 LIBRARY IN THE COUNTY; (4) REESTABLISH THE SURFACE WATER
12 IDENTIFICATION TRAINING AND CERTIFICATION PROGRAM AS A
13 COMPONENT OF THE RIPARIAN BUFFER PROTECTION PROGRAM; (5) AMEND
14 THE CUSTOMER REPORTING REQUIREMENTS FOR SMALL WASTEWATER
15 SYSTEMS; (6) AMEND CIVIL PENALTIES FOR CERTAIN AIR QUALITY
16 VIOLATIONS TO CONFORM WITH CHANGES MADE IN S.L. 2007-296; (7)
17 CHANGE THE NAME OF THE NORTH CAROLINA NATIONAL PARK, PARKWAY
18 AND FORESTS DEVELOPMENT COUNCIL TO THE WESTERN NORTH CAROLINA
19 PUBLIC LANDS COUNCIL; (8) CLARIFY THE STANDARDS FOR QUALIFICATION
20 OF VOLUNTARY WATER CONSERVATION AND WATER USE EFFICIENCY
21 PROGRAMS; (9) AMEND THE ENFORCEMENT AUTHORITY OF THE
22 DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES UNDER THE
23 DROUGHT MANAGEMENT PREPAREDNESS AND RESPONSE ACT; (10) AMEND
24 DESIGNATION OF THE MEMBER OF THE SEDIMENTATION CONTROL
25 COMMISSION REPRESENTING A NORTH CAROLINA PUBLIC UTILITY
26 COMPANY; (11) AMEND THE NOTICE REQUIREMENTS FOR CITIES, COUNTIES,
27 SANITARY DISTRICTS, AND WATER AND SEWER AUTHORITIES WHEN
28 IMPOSING OR INCREASING CERTAIN FEES OR CERTAIN CHARGES; (12)
29 PROVIDE THAT THE PROHIBITION ON ANY NEW OR INCREASED NUTRIENT
30 LOADING ALLOCATION APPLIES TO IMPAIRED DRINKING WATER SUPPLY
31 RESERVOIRS; (13) ESTABLISH THE NORTH CAROLINA WOOD AND CROP



* H 1 7 6 6 - P C S 3 0 5 5 2 - T A - 4 9 *

1 BIOMASS STRATEGIC WORKING GROUP; (14) DIRECT CERTAIN STATE
2 AGENCIES TO REVIEW THEIR PLANNING AND REGULATORY PROGRAMS AND
3 RECOMMEND WHETHER THOSE PROGRAMS SHOULD INCLUDE
4 CONSIDERATION OF THE IMPACTS OF GLOBAL CLIMATE CHANGE; (15)
5 REQUIRE ALL PUBLIC AGENCIES TO RECYCLE ALL SPENT FLUORESCENT
6 LIGHTS AND MERCURY THERMOSTATS, REQUIRE THE REMOVAL OF ALL
7 FLUORESCENT LIGHTS AND MERCURY THERMOSTATS FROM BUILDINGS
8 PRIOR TO DEMOLITION, AND BAN MERCURY-CONTAINING PRODUCTS FROM
9 UNLINED LANDFILLS; (16) AUTHORIZE THE ENVIRONMENTAL REVIEW
10 COMMISSION TO STUDY THE PENALTIES APPLICABLE TO VIOLATIONS OF
11 G.S. 130A-309.10 (PROHIBITED ACTS RELATED TO PACKAGING; CODED
12 LABELING OF PLASTIC CONTAINERS REQUIRED; DISPOSAL OF CERTAIN
13 SOLID WASTES IN LANDFILLS OR BY INCINERATION PROHIBITED); (17)
14 PROVIDE THAT LOCAL GOVERNMENTS AND LARGE COMMUNITY WATER
15 SYSTEMS ONLY REQUIRE SEPARATE METERS FOR NEW IN-GROUND
16 IRRIGATION SYSTEMS FOR LOTS PLATTED AND RECORDED IN THE OFFICE
17 OF THE REGISTER OF DEEDS AFTER JULY 1, 2009, THAT ARE CONNECTED TO
18 THEIR SYSTEMS; (18) PROHIBIT THE USE OF HIGH ARSENIC CONTENT GLASS
19 BEADS WHEN MARKING STATE OR MUNICIPAL ROADS OR PUBLIC
20 VEHICULAR AREAS; (19) ENABLE TRADITIONAL COUNTRY STORES TO SELL
21 UNCOOKED SANDWICHES, PREPARED ON PREMISES BY STORE EMPLOYEES;
22 (20) REVISE THE SUNSET PROVISION FOR NUTRIENT OFFSET PAYMENTS; (21)
23 MAKE A TECHNICAL CORRECTION TO THE DEFINITION OF "NOTEBOOK
24 COMPUTER"; AND (22) DELAY THE EFFECTIVE DATE OF THE CLEAN
25 COASTAL WATER AND VESSEL ACT FROM JULY 1, 2010, TO APRIL 1, 2011,
26 AND TO LIMIT THE ACT'S APPLICATION TO ONLY THOSE AREAS THAT ARE
27 DESIGNATED AS NO DISCHARGE ZONES BY THE UNITED STATES
28 ENVIRONMENTAL PROTECTION AGENCY.

29 The General Assembly of North Carolina enacts:

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

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

1 where practical. In the absence of ~~Grid Control~~, grid control, other
2 appropriate natural monuments or landmarks shall be used. In all cases, the
3 tie lines shall be sufficient to accurately reproduce the subject lands from the
4 control or reference points used."

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

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

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

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

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

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

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

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

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

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

25 "**§ 143-214.25A. Riparian Buffer Protection Program: Surface Water Identification**
26 **Training and Certification Program.**

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

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

47 **SECTION 4.(b)** In implementing the Surface Water Identification Training and
48 Certification Program established by G.S. 143-214.25A, as enacted by Section 4(a) of this act,
49 the Division of Water Quality of the Department of Environment and Natural Resources shall
50 give priority to training and certifying the most highly qualified and experienced personnel in
51 each agency. The Division of Water Quality shall evaluate the effectiveness of the Surface

1 Water Identification Training and Certification Program and shall submit an annual report of its
2 findings and recommendations, if any, to the Environmental Review Commission on or before
3 October 1 of each year. The Division of Water Quality shall submit the first report required by
4 this section on or before October 1, 2011.

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

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

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

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

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

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

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

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

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

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

50 "...."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 The Department of Commerce shall be organized to include:

2 (1) The following agencies:

3 ...

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

6"

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

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

9 ...

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

13"

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

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

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

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

43 (3) To qualify as an approved water conservation and water use efficiency
44 certification program, the Department of Environment and Natural
45 Resources shall determine that the program ~~effectively utilizes industry best~~
46 ~~management practices for the efficient use of water and achieves year-round~~
47 ~~reductions in water use-use and results in a reduction of twenty percent~~
48 (20%) or more in average water use per vehicle. Best management practices
49 may include, but are not limited to, recycling, reclaiming, or reusing a
50 portion of the water in the consuming processes. If a unit of local
51 government that provides public water service or a large community water

1 system determines that a person certified under such a program is not
2 complying with the terms and standards of the certification program, it may
3 refuse to recognize and credit the conservation measures."

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

5 **"§ 143-355.6. Enforcement.**

6 (a) The Secretary may assess a civil penalty of not less than one hundred dollars
7 (\$100.00) nor more than five hundred dollars (\$500.00) against any person who:

- 8 (1) Fails to report water use or other information required under
9 G.S. 143-355(k).
- 10 (2) Fails to act in accordance with the terms, conditions, or requirements of an
11 order issued by the Secretary under G.S. 143-355.3.
- 12 (3) Violates any provision of this Article or any rule adopted by the
13 Commission, the Department, or the Secretary implementing this Article.

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

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

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

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

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

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

49 (e) The Secretary shall notify any person assessed a civil penalty of the assessment and
50 the specific reasons for the assessment by registered or certified mail or by any means

1 authorized by G.S. 1A-1, Rule 4. Contested case petitions shall be filed within 30 days of
2 receipt of the notice of assessment.

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

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

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

- 10 (1) A person to be nominated jointly by the boards of the North Carolina League
11 of Municipalities and the North Carolina Association of County
12 ~~Commissioners;~~Commissioners.
- 13 (2) A person to be nominated by the Board of the North Carolina Home
14 Builders ~~Assœiation;~~Association.
- 15 (3) A person to be nominated by the Carolinas Branch, Associated General
16 Contractors of ~~America;~~America.
- 17 (4) ~~The president, vice president, or general counsel~~A representative of a North
18 Carolina public utility ~~company;~~company.
- 19 (5) The Director of the North Carolina Water Resources Research
20 ~~Institute;~~Institute.
- 21 (6) A member of the State Mining Commission who shall be a representative of
22 nongovernmental conservation interests, as required by
23 ~~G.S. 74-38(b);~~G.S. 74-38(b).
- 24 (7) A member of the State Soil and Water Conservation
25 ~~Commission;~~Commission.
- 26 (8) A member of the Environmental Management ~~Commission;~~Commission.
- 27 (9) A soil scientist from the faculty of North Carolina State
28 ~~University;~~University.
- 29 (10) Two persons who shall be representatives of nongovernmental conservation
30 ~~interests;~~ and interests.
- 31 (11) A professional engineer registered under the provisions of Chapter 89C of
32 the General Statutes nominated by the Professional Engineers of North
33 Carolina, Inc."

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

35 **"§ 153A-102.1. ~~Electronic notice~~Notice of new fees and fee increases; public comment**
36 **period.**

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

- 44 (1) Notice of the meeting in a prominent location on a Web site managed or
45 maintained by the county.
- 46 (2) Notice of the meeting in a prominent physical location, including, but not
47 limited to, any government building, library, or courthouse within the
48 county.
- 49 (3) Notice of the meeting by electronic mail to a list of interested parties that is
50 created by the county for the purpose of notification as required by this
51 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 19 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 Energy NC or the President's designee.
- 7 (8) The President of Progress Energy Carolinas 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 (17) The Executive Director of the NC Association of Professional Loggers, Inc.,
29 or the Executive Director's designee.

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

37 **SECTION 13.(d)** The Wood and Crop Biomass Strategic Working Group shall
38 submit an interim report of its findings and recommendations to the Environmental Review
39 Commission, the Senate and the House of Representatives Appropriations Subcommittees on
40 Natural and Economic Resources, and the Energy Policy Council no later than February 1,
41 2011. A final report containing findings, recommendations, and any legislative proposals shall
42 be submitted by the Working Group no later than May 1, 2011.

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

- 48 (1) Review their respective planning and regulatory programs to determine
49 whether the programs currently consider the impacts of global climate
50 change, including adaptation and sea level rise.

1 (2) For those programs that currently consider the impacts of global climate
2 change, the agency shall describe how the program considers the impacts of
3 global climate change, including adaptation and sea level rise, and
4 recommend whether the consideration of the impacts of global climate
5 change should be modified or expanded.

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

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

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

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

19 "**§ 130A-310.60. Recycling required by public agencies.**

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

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

38 "**§ 130A-310.61. Removal and recycling of mercury-containing products from structures**
39 **to be demolished.**

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

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

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

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

50 "**§ 130A-22. Administrative penalties.**

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

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

29 "**§ 130A-25. Misdemeanor.**

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

33 ...

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

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

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

42 "(a) Local government water systems and large community water systems shall require
43 separate meters for new in-ground irrigation systems on lots platted and recorded in the office
44 of the register of deeds in the county or counties in which the real property is located after July
45 1, 2009, that are connected to their systems."

46 **SECTION 18.(a)** The General Assembly finds and declares that inorganic arsenic
47 is a hazardous substance and is recognized by the United States Environmental Protection
48 Agency and the United States Occupational Safety and Health Administration as a human
49 carcinogen; that release of this substance into the environment may lead to contamination of
50 soil and water; that the ingestion or inhalation of soil, water, plant material, or animal tissues
51 contaminated with inorganic arsenic may lead to lung cancer, damage to the nervous system,

1 or, in extreme cases, death from systemic poisoning; that reflective glass beads are used to
2 reflect light when applied to roadway markers; that glass beads that contain more than 75 parts
3 per million inorganic arsenic may represent a danger to workers who handle and apply them
4 and a contamination potential to soil and water surrounding roadways. The General Assembly
5 therefore determines that it is in the public interest to prohibit the use of glass beads containing
6 more than 75 parts per million inorganic arsenic used to reflect light when applied to markings
7 on roadways.

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

10 **"§ 136-30.2. Prohibit the use of high content arsenic glass beads in paint used for**
11 **pavement marking.**

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

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

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

28 **SECTION 20.** Section 5 of S.L. 2007-438, as amended by Section 3.(b) of S.L.
29 2009-438, reads as rewritten:

30 **"SECTION 5.** This act becomes effective 1 September 2007 and applies to all nutrient
31 offset payments, including those set out in 15A NCAC 2B .0240, as adopted by the
32 Environmental Management Commission on 12 January 2006. The fee schedule set out in
33 Section 1 of this act expires ~~1 September 2010.~~ 1 September 2011."

34 **SECTION 21.** If Senate Bill 887, 2009 Regular Session, becomes law, then G.S.
35 130A-309.131(11), as enacted by Section 2(a) of that act, reads as rewritten:

36 "(11) Notebook computer. – An electronic, magnetic, optical, electrochemical, or
37 other high-speed data processing device that has all of the following
38 features:

- 39 a. Performs logical, arithmetic, or storage functions for general purpose
40 needs that are met through interaction with a number of software
41 programs contained in the computer.
42 b. Is not designed to exclusively perform a specific type of limited or
43 specialized application.
44 c. Achieves human interface through a keyboard, video display greater
45 than four inches in size, and mouse or other pointing device, all of
46 which are contained within the construction of the unit that
47 comprises the computer.
48 d. Is able to be carried as one unit by an individual.
49 e. Is able to use external power, internal power, or batteries for a power
50 source.

1 Notebook computer includes those that have a supplemental stand-alone
2 interface device attached to the notebook computer. Notebook computer
3 does not include a portable handheld calculator, a PDA, or similar
4 specialized device. A notebook computer may also be referred to as a laptop
5 computer."

6 **SECTION 22.(a)** G.S. 77-131 reads as rewritten:

7 "**§ 77-131. Application of Article.**

8 The provisions of this Article apply only to the following:

- 9 (1) A large vessel marina that is located on coastal waters designated by the
10 Environmental Protection Agency as a no discharge zone or that is located in
11 a county or municipality that has adopted a resolution to petition the
12 Environmental Protection Agency for a no discharge zone designation.
13 (2) A vessel in coastal waters that ~~are either is~~ designated as a no discharge zone
14 ~~or are included in a petition to the Environmental Protection Agency to be~~
15 ~~designated as a no discharge zone unless the petition has been denied by the~~
16 Environmental Protection Agency."

17 **SECTION 22.(b)** Section 3 of S.L. 2009-345 reads as rewritten:

18 "**SECTION 3.** Section 1 of this act becomes effective ~~July 1, 2010,~~ April 1, 2011, and
19 applies to offenses committed on or after that date. The remainder of this act is effective when
20 it becomes law."

21 **SECTION 23.** Section 6 of this act becomes effective October 1, 2010, and applies
22 to violations that occur on or after that date. Section 9 of this act becomes effective October 1,
23 2010, and applies to penalties assessed on or after that date. Sections 11(a), 11(b), 11(c), and
24 11(d) of this act become effective February 1, 2011. Sections 15(a), 15(b), 15(c), and 15(d) of
25 this act become effective July 1, 2011. Sections 18(a) and 18(b) become effective October 1,
26 2010, and apply to any contracts for road projects entered into, or any pavement remarking that
27 takes place, on or after that date. Section 21 of this act becomes effective August 1, 2010. All
28 other sections of this act are effective when this act becomes law.