

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 719
PROPOSED COMMITTEE SUBSTITUTE S719-PCS85217-TA-13

Short Title: Amend Environmental Laws 2009.

(Public)

Sponsors:

Referred to:

March 24, 2009

A BILL TO BE ENTITLED

AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO: (1) REPEAL THE REQUIREMENT THAT SEASONAL STATE PARK EMPLOYEES WEAR A UNIFORM VEST; (2) REQUIRE ELECTRONIC REPORTING OF ENVIRONMENTAL LEAD TEST RESULTS AND BLOOD LEAD TEST RESULTS; (3) CLARIFY THE FEE STRUCTURE FOR FOOD AND LODGING PERMITS; (4) PROVIDE THAT CITY AND COUNTY BUILDING INSPECTORS MAY RELY UPON A THIRD-PARTY CERTIFICATION FOR PARKING LOTS AND ANY BIORETENTION AREAS DESIGNED AND CONSTRUCTED TO COMPLY WITH G.S. 113A-71; (5) EXTEND BY TWO YEARS THE DEADLINE FOR THE DEVELOPMENT AND IMPLEMENTATION OF A NUTRIENT MANAGEMENT STRATEGY FOR CERTAIN DRINKING WATER SUPPLY RESERVOIRS; AND (6) REVISE THE SUNSET PROVISION FOR NUTRIENT OFFSET PAYMENTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113-35.1 is repealed.

SECTION 2. G.S. 130A-131.8 reads as rewritten:

"§ 130A-131.8. Laboratory Reports ~~reports of blood levels in children.~~

(a) All laboratories doing business in this State shall report to the Department all environmental lead test results and blood lead test results for children less than six years of age and for individuals whose ages are unknown at the time of testing. Reports shall be made by electronic submission within five working days after test completion on forms provided by the Department or on self-generated forms containing completion.

(b) Reports of blood lead test results shall contain all of the following:

- (1) ~~the~~ The child's full name, date of birth, sex, race, ethnicity, address, and Medicaid number, if ~~any~~; any.
- (2) ~~the~~ The name, address, and telephone number of the requesting health care ~~provider~~; provider.
- (3) ~~the~~ The name, address, and telephone number of the testing ~~laboratory~~; laboratory.
- (4) ~~the~~ The laboratory results, whether the specimen type—type is venous or capillary; the laboratory sample number, and the dates the sample was collected and analyzed. The reports may be made by electronic submissions.

(c) Reports of environmental lead test results shall contain all of the following:

- (1) The address where the samples were collected.



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- 1 (2) Sample type, such as dust, paint, soil, or water.
- 2 (3) Surface type, such as floor, window sill, or window trough.
- 3 (4) Collection location.
- 4 (5) The name, address, and telephone number of the testing laboratory.
- 5 (6) The laboratory results, unit of measurement, the laboratory sample number,
6 and the dates the sample was collected and analyzed."

7 **SECTION 3.** G.S. 130A-248(d) reads as rewritten:

8 "(d) The Department shall charge each establishment subject to this section, except
9 nutrition programs for the elderly administered by the Division of Aging of the Department of
10 Health and Human Services, establishments that prepare and sell meat food products or poultry
11 products, and public school cafeterias, ~~an annual fee of fifty dollars (\$50.00).~~ cafeterias, a fee
12 of fifty dollars (\$50.00) for each permit issued. This fee shall be reassessed annually for
13 permits that do not expire. The Commission shall adopt rules to implement this subsection.
14 Fees collected under this subsection shall be used for State and local food, lodging, and
15 institution sanitation programs and activities. No more than thirty-three and one-third percent
16 (33 1/3%) of the fees collected under this subsection may be used to support State health
17 programs and activities."

18 **SECTION 4.** G.S. 153A-357(d) reads as rewritten:

19 "(d) No permit shall be issued pursuant to subsection (a) of this section for any
20 land-disturbing activity that is subject to, but does not comply with, the requirements of
21 G.S. 113A-71. For purposes of this subsection, the inspector may rely upon a third-party
22 certification, provided by the applicant, that the parking lot and any stormwater bioretention
23 area are properly designed and constructed to comply with G.S. 113A-71 in accordance with
24 the guidelines developed by the Department of Environment and Natural Resources.
25 Certification must be provided under seal by a licensed professional engineer or other licensed
26 professional that is recognized as having expertise in the design and construction of pervious
27 parking areas or stormwater bioretention areas, as appropriate."

28 **SECTION 5.** G.S. 160A-417(c) reads as rewritten:

29 "(c) No permit shall be issued pursuant to subsection (a) of this section for any
30 land-disturbing activity that is subject to, but does not comply with, the requirements of
31 G.S. 113A-71. For purposes of this subsection, the inspector may rely upon a third-party
32 certification, provided by the applicant, that the parking lot and any stormwater bioretention
33 area are properly designed and constructed to comply with G.S. 113A-71 in accordance with
34 the guidelines developed by the Department of Environment and Natural Resources.
35 Certification must be provided under seal by a licensed professional engineer or other licensed
36 professional that is recognized as having expertise in the design and construction of pervious
37 parking areas or stormwater bioretention areas, as appropriate."

38 **SECTION 6.(a)** Section 3(c) of S.L. 2005-190, as amended by Section 31(a) of
39 S.L. 2006-259, reads as rewritten:

40 "**SECTION 3.(c) Nutrient management strategy.** – The Environmental Management
41 Commission shall develop a nutrient management strategy for drinking water supply reservoirs
42 to which this section applies by ~~4 July 2009.~~ November 30, 2011. The nutrient management
43 strategy shall be based on a calibrated nutrient response model that meets the requirement of
44 G.S. 143-215.1(c5). The nutrient management strategy shall include specific mandatory
45 measures to achieve the reduction goals. The Commission shall consider the cost of the
46 proposed measures in relation to the effectiveness of the measures. These measures could
47 include, but are not limited to, buffers, erosion and sedimentation control requirements,
48 post-construction stormwater management, agricultural nutrient reduction measures, the
49 addition of nutrient removal treatment processes to point source permitted wastewater
50 treatment plants, the removal of point source discharging wastewater treatments through
51 regionalization and conversion to non-discharge treatment technologies, and any other

1 measures that the Commission determines to be necessary to meet the nutrient reduction goals.
2 To the extent that one or more other State programs already mandate any of these measures, the
3 nutrient management strategy shall incorporate the mandated measures and any extension of
4 those measures and any additional measures that may be necessary to achieve the nutrient
5 reduction goals. In making a nutrient loading allocation to a permit holder, the Commission
6 shall, to the extent allowed by federal and State law, give consideration to all voluntary efforts
7 taken by the permit holder to protect water quality prior to the development of the nutrient
8 management strategy."

9 **SECTION 6.(b)** Section 3(e) of S.L. 2005-190, as amended by Section 31(b) of
10 S.L. 2006-259, reads as rewritten:

11 "**SECTION 3.(e) Implementation; rulemaking.** – The Environmental Management
12 Commission shall adopt permanent rules to implement the nutrient management strategies
13 required by this section by ~~1 July 2009~~ November 30, 2011. The rules shall require that
14 reductions in nutrient loading from all sources begin no later than five years after the rules
15 become effective."

16 **SECTION 7.** Section 5 of S.L. 2007-438 reads as rewritten:

17 "**SECTION 5.** This act becomes effective ~~1 September 2007~~ September 1, 2007, and
18 applies to all nutrient offset payments, including those set out in 15A NCAC 2B .0240, as
19 adopted by the Environmental Management Commission on ~~12 January 2006~~ January 12, 2006.
20 The fee schedule set out in Section 1 of this act expires ~~1 September 2009~~ September 1, 2010."

21 **SECTION 8.** Sections 4 and 5 of this act are effective retroactive to April 1, 2009.
22 Sections 3 and 6 of this act become effective July 1, 2009. Sections 1, 2, 7, and 8 of this act are
23 effective when this act becomes law.