

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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SENATE BILL 838\*  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S838-PCS35381-TAf-32

Short Title: Amend Env Laws/Env Tech Corrects 2009.

(Public)

Sponsors:

Referred to:

March 25, 2009

A BILL TO BE ENTITLED

AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO: (1) REQUIRE ELECTRONIC REPORTING OF ENVIRONMENTAL LEAD TEST RESULTS AND BLOOD LEAD TEST RESULTS; (2) CLARIFY THE FEE STRUCTURE FOR FOOD AND LODGING PERMITS; (3) REVISE THE SUNSET PROVISION FOR NUTRIENT OFFSET PAYMENTS; (4) AMEND THE SOLID WASTE DISPOSAL TAX TO STREAMLINE THE PROCESS WHEN A LOCAL GOVERNMENT IS SERVED BY A SOLID WASTE MANAGEMENT AUTHORITY; (5) REPEAL THE REQUIREMENT THAT SEASONAL STATE PARK EMPLOYEES WEAR A UNIFORM VEST; (6) CLARIFY IMPLEMENTATION OF NUTRIENT OFFSETS UNDER THE JORDAN LAKE RULES; (7) CLARIFY IMPLEMENTATION OF THE JORDAN LAKE RULES RELATED TO FEDERAL AND STATE ENTITIES; (8) MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT AND NATURAL RESOURCES; AND (9) AMEND OR REPEAL VARIOUS ENVIRONMENTAL REPORTING REQUIREMENTS.

The General Assembly of North Carolina enacts:

**PART I. AMEND ENVIRONMENTAL AND NATURAL RESOURCES LAWS.**

**SECTION 1.** 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.



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(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.

(2) Sample type, such as dust, paint, soil, or water.

(3) Surface type, such as floor, window sill, or window trough.

(4) Collection location.

(5) The name, address, and telephone number of the testing laboratory.

(6) The laboratory results, unit of measurement, the laboratory sample number, and the dates the sample was collected and analyzed."

**SECTION 2.** G.S. 130A-248(d) reads as rewritten:

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

**SECTION 3.(a)** Section 2 of S.L. 2007-438 reads as rewritten:

"**SECTION 2.** No later than ~~4 September 2009,~~ 1 September 2010, the Department of Environment and Natural Resources shall develop and implement a plan to transition the North Carolina Ecosystem Enhancement Program nutrient offset program from a fee-based program to a program based on the actual costs of providing nutrient credits. The new program shall use the least cost alternative for providing nutrient offset credits consistent with rules adopted by the Environmental Management Commission for implementation of nutrient management strategies in the Neuse River Basin and the Tar-Pamlico River Basin."

**SECTION 3.(b)** Section 5 of S.L. 2007-438 reads as rewritten:

"**SECTION 5.** This act becomes effective 1 September 2007 and applies to all nutrient offset payments, including those set out in 15A NCAC 2B .0240, as adopted by the Environmental Management Commission on 12 January 2006. The fee schedule set out in Section 1 of this act expires ~~4 September 2009.~~ 1 September 2010."

**SECTION 4.** G.S. 105-187.63 reads as rewritten:

"**§ 105-187.63. Use of tax proceeds.**

From the taxes received pursuant to this Article, the Secretary may retain the costs of collection, not to exceed two hundred twenty-five thousand dollars (\$225,000) a year, as reimbursement to the Department. The Secretary must credit or distribute taxes received pursuant to this Article, less the cost of collection, on a quarterly basis as follows:

(1) Fifty percent (50%) to the Inactive Hazardous Sites Cleanup Fund established by G.S. 130A-310.11.

(2) Thirty-seven and one-half percent (37.5%) to cities and counties in the State on a per capita basis, using the most recent annual estimate of population certified by the State Budget Officer. One-half of this amount must be distributed to cities, and one-half of this amount must be distributed to counties. For purposes of this distribution, the population of a county does not include the population of a city located in the county.

A city or county is excluded from the distribution under this subdivision if it does not provide solid waste management programs and services and is

1 not responsible by contract for payment for these programs and services.  
2 ~~services, unless it is served by a regional solid waste management authority~~  
3 ~~established under Article 22 of Chapter 153A of the General Statutes.~~ The  
4 Department of Environment and Natural Resources must provide the  
5 Secretary with a list of the cities and counties that are excluded under this  
6 subdivision. The list must be provided by May 15 of each year and applies to  
7 distributions made in the fiscal year that begins on July 1 of that year.

8 Funds distributed under this subdivision must be used by a city or county  
9 solely for solid waste management programs and services. ~~A city or county~~  
10 ~~that receives funds under this subdivision and is served by a regional solid~~  
11 ~~waste management authority must forward the amount it receives to that~~  
12 ~~authority.~~

- 13 (3) Twelve and one-half percent (12.5%) to the Solid Waste Management Trust  
14 Fund established by G.S. 130A-309.12."

15 **SECTION 5.** G.S. 113-35.1 is repealed.

16  
17 **PART II. AMEND CERTAIN JORDAN WATER SUPPLY NUTRIENT STRATEGY**  
18 **RULES.**

19 **SECTION 6.(a)** S.L. 2009-216 is amended by adding a new subsection to read:

20 "**SECTION 2.(d)** Section 2(b) of this act expires on the date that rules adopted pursuant to  
21 Section 2(c) of this act become effective."

22 **SECTION 6.(b)** S.L. 2009-216 is amended by adding a new subsection to read:

23 "**SECTION 3.(k)** Sections 3(c) through 3(i) of this act expire on the date that rules adopted  
24 pursuant to Section 3(j) of this act become effective."

25 **SECTION 6.(c)** Section 3(k) of S.L. 2009-216 reads as rewritten:

26 "~~**SECTION 3.(k)**~~**SECTION 3.(l)** No Change to Existing Regulatory Authority. – Nothing  
27 in this act shall be construed to limit, expand, or modify the authority of the Commission to  
28 undertake alternative regulatory actions otherwise authorized by State or federal law, including,  
29 but not limited to, the reclassification of waters of the State pursuant to G.S. 143-214.1, the  
30 revision of water quality standards pursuant to G.S. 143-214.3, and the granting of variances  
31 pursuant to G.S. 143-215.3."

32 **SECTION 7.(a)** S.L. 2009-216 is amended by adding a new section to read:

33 "**SECTION 5.(a)** Definition. – As used in this section, "New Development Rule 15A  
34 NCAC 02B .0265" means 15A NCAC 02B .0265 (Jordan Water Supply Nutrient Strategy:  
35 Stormwater Management for New Development) adopted by the Commission on May 8, 2008,  
36 and approved by the Rules Review Commission on November 20, 2008.

37 "**SECTION 5.(b)** New Development Rule 15A NCAC 02B .0265. – Until the effective  
38 date of the revised permanent rule that the Commission is required to adopt pursuant to Section  
39 5(d) of this act, the Commission and the Department shall implement New Development Rule  
40 15A NCAC 02B .0265, as provided in Section 5(c) of this act.

41 "**SECTION 5.(c)** Implementation. – Notwithstanding sub-subdivision (vii) of  
42 sub-subdivision (a) of subdivision (3) of New Development Rule 15A NCAC 02B .0265, New  
43 Development Rule 15A NCAC 02B .0265 shall be implemented as follows:

- 44 (1) New development that has built-upon area that equals or exceeds  
45 twenty-four percent (24%) and that is not subject to more stringent  
46 stormwater requirements under S.L. 2006-246 or rules adopted pursuant to  
47 G.S. 143-214.5 shall have engineered stormwater controls that meet the  
48 design requirements set out in sub-subdivision (iv) of sub-subdivision (a) of  
49 subdivision (3) of New Development Rule 15A NCAC 02B .0265 and  
50 achieve eighty-five percent (85%) removal of total suspended solids.

- 1 (2) A developer may offset part of the nitrogen and phosphorus load from a new  
2 development by implementing or funding off-site management measures in  
3 accordance with this subdivision. New development shall comply with  
4 requirements for engineered stormwater controls as set out in this act and in  
5 New Development Stormwater Rule 15A NCAC 02B .0265. On-site  
6 stormwater controls shall achieve a maximum nitrogen loading rate that does  
7 not exceed six pounds per acre per year for single-family detached and  
8 duplex residential development and 10 pounds per acre per year for other  
9 development, including multifamily residential, commercial, and industrial.  
10 Off-site management measures may be used to offset the difference between  
11 the nitrogen and phosphorus loading rates achieved through compliance with  
12 the stormwater control requirements of this act and the loading rate targets  
13 set out in sub-subdivision (i) of sub-subdivision (a) of subdivision (3) of  
14 New Development Rule 15A NCAC 02B .0265. Off-site offsetting measures  
15 shall achieve at least the reduction in nitrogen and phosphorus loading  
16 equivalent to the remaining reduction needed to comply with the loading rate  
17 targets set out in sub-subdivision (i) of sub-subdivision (a) of subdivision (3)  
18 of New Development Rule 15A NCAC 02B .0265. A developer may make  
19 offset payments to the North Carolina Ecosystem Enhancement Program  
20 contingent upon acceptance of payments by that Program. A developer may  
21 use an offset option provided by the local government in which the  
22 development activity occurs. A developer may propose other offset measures  
23 to the local government, including providing his or her own off-site offset or  
24 utilizing a private seller. All offset measures identified above shall meet the  
25 requirements of subdivisions (2) through (4) of 15A NCAC 02B .0273.

26 **"SECTION 5.(d)** Additional Rule-Making Authority. – The Commission shall adopt a rule  
27 to replace New Development Rule 15A NCAC 02B .0265. Notwithstanding G.S. 150B-19(4),  
28 the rule adopted by the Commission pursuant to this section shall be substantively identical to  
29 the provisions of Section 5(c) of this act. Rules adopted pursuant to this section are not subject  
30 to G.S. 150B-21.9 through G.S. 150B-21.14. Rules adopted pursuant to this section shall  
31 become effective as provided in G.S. 150B-21.3(b1) as though 10 or more written objections  
32 had been received as provided by G.S. 150B-21.3(b2).

33 **"SECTION 5.(e)** Sunset. – Section 5(c) of this act expires on the date that rules adopted  
34 pursuant to Section 5(d) of this act become effective."

35 **SECTION 7.(b)** S.L. 2009-216 is amended by adding a new section to read:

36 **"SECTION 6.(a)** Definitions. – The following definitions apply to this section and its  
37 implementation:

- 38 (1) The definitions set out in G.S. 143-212 and G.S. 143-213.  
39 (2) The definitions set out in 15A NCAC 02B .0262 (Jordan Water Supply  
40 Nutrient Strategy: Purpose and Scope) and 15A NCAC 02B .0263 (Jordan  
41 Water Supply Nutrient Strategy: Definitions).  
42 (3) "State and Federal Rule 15A NCAC 02B .0271" means 15A NCAC 02B  
43 .0271 (Jordan Water Supply Nutrient Strategy: Stormwater Requirements  
44 for State and Federal Entities), adopted by the Commission on May 8, 2008,  
45 and approved by the Rules Review Commission on October 16, 2008.  
46 (4) "Riparian Buffer Rule 15A NCAC 02B .0267" means 15A NCAC 02B .0267  
47 (Jordan Water Supply Nutrient Strategy: Protection of Existing Riparian  
48 Buffers), adopted by the Commission on May 8, 2008, and approved by the  
49 Rules Review Commission on November 20, 2008.

50 **"SECTION 6.(b)** State and Federal Rule 15A NCAC 02B .0271. – Until the effective date  
51 of the revised permanent rule that the Commission is required to adopt pursuant to Section 6(d)

1 of this act, the Commission and the Department shall implement the State and Federal Rule  
2 15A NCAC 02B .0271, as provided in Section 6(c) of this act.

3 **"SECTION 6.(c)** Implementation. – Notwithstanding State and Federal Rule 15A NCAC  
4 02B .0271, the Commission shall implement the State and Federal Rule 15A NCAC 02B .0271  
5 as follows:

6 (1) The load reduction goal for existing North Carolina Department of  
7 Transportation roadway and nonroadway development shall be established  
8 as provided in this subdivision. The load reduction goal shall be designed to  
9 achieve, relative to the baseline period 1997 through 2001, an eight percent  
10 (8%) reduction in nitrogen loading and a five percent (5%) reduction in  
11 phosphorus loading reaching Jordan Reservoir from existing roadway and  
12 nonroadway development in the Upper New Hope and Haw subwatersheds.  
13 The load reduction goal for the Lower New Hope arm shall be designed to  
14 maintain no increases in nitrogen and phosphorus loads from existing  
15 roadway and nonroadway development relative to the baseline period 1997  
16 through 2001. Load reduction goals for each subwatershed shall be  
17 calculated from baseline loads for existing North Carolina Department of  
18 Transportation development present during the baseline period. Baseline  
19 loads shall be established for roadways and industrial facilities using  
20 stormwater runoff nutrient load characterization data collected through the  
21 National Pollutant Discharge Elimination System (NPDES) Research  
22 Program under NCS0000250 Permit Part II Section G. Baseline loads for  
23 other nonroadway development shall be calculated by applying the  
24 Tar-Pamlico Nutrient Export Calculation Worksheet, Piedmont Version,  
25 dated October 2004, to acreages of nonroadway development under the  
26 control of North Carolina Department of Transportation during the baseline  
27 period. The baseline load for other nonroadway development may also be  
28 calculated using an equivalent or more accurate method acceptable to the  
29 Department and recommended by the Scientific Advisory Board established  
30 pursuant to Section 4(a) of S.L. 2009-216. The load reduction goal shall be  
31 adjusted to account for nutrient loading increases from existing roadway and  
32 nonroadway development subsequent to the baseline period but prior to  
33 implementation of new development stormwater programs pursuant to 15A  
34 NCAC 02B .0271(4)(c).

35 (2) Sub-subdivision (b) of subdivision (3) and sub-subdivision (d) of  
36 subdivision (4) of State and Federal Rule 15A NCAC 02B .0271 shall be  
37 implemented as follows:

38 a. If the March 1, 2014, monitoring report or any subsequent  
39 monitoring report for the Upper New Hope Creek Arm of Jordan  
40 Reservoir required under Section 3(c) of S.L. 2009-216 shows that  
41 nutrient-related water quality standards are not being achieved, State  
42 and federal entities shall develop and implement a program to control  
43 nutrient loading from existing development within the subwatershed,  
44 as provided in this section and State and Federal Rule 15A NCAC  
45 02B .0271. If the March 1, 2017, monitoring report or any  
46 subsequent monitoring report for the Haw River Arm or the Lower  
47 New Hope Creek Arm of Jordan Reservoir required under Section  
48 3(c) of S.L. 2009-216 shows that nutrient-related water quality  
49 standards are not being achieved, State and federal entities shall  
50 develop and implement a program to control nutrient loading from  
51 existing development within the subwatershed, as provided in this

1 section and State and Federal Rule 15A NCAC 02B .0271. The  
2 Department shall defer development and implementation of a  
3 program to control nutrient loading from existing development  
4 required in a subwatershed by this sub-subdivision if it determines  
5 that additional reductions in nutrient loading from existing  
6 development in that subwatershed will not be necessary to achieve  
7 nutrient-related water quality standards. In making this  
8 determination, the Department shall consider the anticipated effect of  
9 measures implemented or scheduled to be implemented to reduce  
10 nutrient loading from sources in the subwatershed other than existing  
11 development. If any subsequent monitoring report for an arm of  
12 Jordan Reservoir required under Section 3(c) of S.L. 2009-216 shows  
13 that nutrient-related water quality standards have not been achieved,  
14 the Department shall notify each State and federal entity, and each  
15 entity shall develop and implement a program to control nutrient  
16 loading from existing development as provided in this section and  
17 State and Federal Rule 15A NCAC 02B .0271.

18 b. If the Commission requires additional reductions in nutrient loading  
19 from local governments pursuant to Section 3(f) of S.L. 2009-216,  
20 the Commission shall require State and federal entities to modify  
21 their nutrient reduction programs for the Upper New Hope Creek  
22 subwatershed to achieve a total reduction in nitrogen loading from  
23 existing roadway and nonroadway development in nitrogen loading  
24 from existing development of thirty-five percent (35%) relative to the  
25 baseline period 1997-2001.

26 (3) Notwithstanding sub-subdivision (d) of subdivision (4) of State and Federal  
27 Rule 15A NCAC 02B .0271, the North Carolina Department of  
28 Transportation may achieve the nutrient load reduction goal in subdivision  
29 (1) of this section for existing roadway and nonroadway development under  
30 its control by development of a load reduction program that addresses both  
31 roadway and nonroadway development in the watershed for each arm of  
32 Jordan Reservoir. A combined program to address roadway and nonroadway  
33 development may include stormwater retrofits and other load-reducing  
34 measures in the watershed including, but not limited to, illicit discharge  
35 removal; street sweeping; source control activities such as pet waste  
36 reduction and fertilizer management at NCDOT facilities; improvement of  
37 existing stormwater structures; alternative stormwater practices such as use  
38 of rain barrels and cisterns; stormwater capture and reuse; and purchase of  
39 nutrient reduction credits. NCDOT may meet minimum implementation rate  
40 and schedule requirements by implementing a combination of three  
41 stormwater retrofits per year for existing roadway development in the Jordan  
42 Lake watershed and other load-reducing measures identified in the program  
43 to control nutrient loading from existing development developed pursuant to  
44 State and Federal Entities Rule 15A NCAC 02B .0271 and this act and  
45 approved by the Commission.

46 **"SECTION 6.(d)** Additional Rule-Making Authority. – The Commission shall adopt a rule  
47 to replace State and Federal Rule 15A NCAC 02B .0271. Notwithstanding G.S. 150B-19(4),  
48 the rule adopted by the Commission pursuant to this section shall be substantively identical to  
49 the provisions of Section 6(c) of this act. Rules adopted pursuant to this section are not subject  
50 to G.S. 150B-21.9 through G.S. 150B-21.14. Rules adopted pursuant to this section shall

1 become effective as provided in G.S. 150B-21.3(b1) as though 10 or more written objections  
2 had been received as provided by G.S. 150B-21.3(b2).

3 **"SECTION 6.(e)** Sunset. – Section 6(c) of this act expires on the date that rules adopted  
4 pursuant to Section 6(d) of this act become effective.

5 **"SECTION 6.(f)** Riparian Buffer Rule 15A NCAC 02B .0267. – Until the effective date of  
6 the revised permanent rule that the Commission is required to adopt pursuant to Section 6(h) of  
7 this act, the Commission and the Department shall implement the Riparian Buffer Rule 15A  
8 NCAC 02B .0267, as provided in Section 6(g) of this act.

9 **"SECTION 6.(g)** Implementation. – Notwithstanding Riparian Buffer Rule 15A NCAC  
10 02B .0267, the Commission shall implement Riparian Buffer Rule 15A NCAC 02B .0267 as  
11 provided in this section.

12 (1) For purposes of implementing Riparian Buffer Rule 15A NCAC 02B .0267,  
13 the Commission may only use one of the following types of maps for  
14 purposes of identifying a water body subject to the riparian buffer protection  
15 requirements of Riparian Buffer Rule 15A NCAC 02B .0267:

16 a. The most recent version of the soil survey map prepared by the  
17 Natural Resources Conservation Service of the United State  
18 Department of Agriculture.

19 b. The most recent version of the 1:24,000 scale (7.5 minute)  
20 quadrangle topographic maps prepared by the United States  
21 Geological Survey.

22 c. A map approved by the Geographic Information Coordinating  
23 Council and by the Commission. Prior to approving a map under this  
24 sub-subdivision, the Commission shall provide a 30-day public  
25 notice and opportunity for comment.

26 (2) Alternative maps approved by the Commission under subdivision (1) of this  
27 section shall not be used for buffer delineation on projects that are existing  
28 and ongoing within the meaning of subdivision (6) of Riparian Buffer Rule  
29 15A NCAC 02B .0267.

30 (3) Sub-subdivision a. of subdivision (4) of Riparian Buffer Rule 15A NCAC  
31 02B .0267 shall be interpreted to prohibit only those activities conducted  
32 outside the buffer that have the effect of altering the hydrology in violation  
33 of the diffuse flow requirements set out in subdivision (8) of Riparian Buffer  
34 Rule 15A NCAC 02B .0267.

35 **"SECTION 6.(h)** Additional Rule-Making Authority. – The Commission shall adopt a rule  
36 to replace Riparian Buffer Rule 15A NCAC 02B .0267. Notwithstanding G.S. 150B-19(4), the  
37 rule adopted by the Commission pursuant to this section shall be substantively identical to the  
38 provisions of Section 6(g) of this act. Rules adopted pursuant to this section are not subject to  
39 G.S. 150B-21.9 through G.S. 150B-21.14. Rules adopted pursuant to this section shall become  
40 effective as provided in G.S. 150B-21.3(b1) as though 10 or more written objections had been  
41 received as provided by G.S. 150B-21.3(b2).

42 **"SECTION 6.(i)** Sunset. – Section 6(g) of this act expires on the date that rules adopted  
43 pursuant to Section 6(h) of this act become effective."

44 **SECTION 8.** Sections 5 through 8 of S.L. 2009-216 read as rewritten:

45 ~~"SECTION 5."~~ **SECTION 7.** No Preemption. – A local government may adopt and  
46 implement a stormwater management program that contains provisions that are more restrictive  
47 than the standards set forth in Sections ~~2 and 3~~, 3, and 5 of this act or in any rules concerning  
48 stormwater management in the Jordan watershed adopted by the Commission. This section  
49 shall not be construed to authorize a local government to impose stormwater management  
50 requirements on lands in agriculture or forestry.

51 ~~"SECTION 6."~~ **SECTION 8.** Construction of Act. –

(1) Except as specifically provided in ~~Sections 2(e) and 3(j)~~ Sections 2(c), 3(j), 5(d), and 6(h) of this act, nothing in this act shall be construed to limit, expand, or otherwise alter the authority of the Commission or any unit of local government.

(2) This act shall not be construed to affect any delegation of any power or duty by the Commission to the Department or subunit of the Department.

~~"SECTION 7.~~**SECTION 9.** Note to Revisor of Statutes. – Notwithstanding G.S. 164-10, the Revisor of Statutes shall not codify any of the provisions of this act. The Revisor of Statutes shall set out the text of Section 2 of this act as a note to G.S. 143-215.1 and may make notes concerning this act to other sections of the General Statutes as the Revisor of Statutes deems appropriate. The Revisor of Statutes shall set out the text of Sections 3, 4, 5, and 6 of this act as a note to G.S. 143-214.7 and may make notes concerning this act to other sections of the General Statutes as the Revisor of Statutes deems appropriate.

~~"SECTION 8.~~**SECTION 10.** Effective Date. – This act is effective when it becomes law."

### **PART III. ENVIRONMENTAL TECHNICAL CORRECTIONS.**

**SECTION 9.** G.S. 120-70.61(c) reads as rewritten:

**"§ 120-70.61. Membership; cochairs; vacancies; quorum.**

(c) Except as otherwise provided in this section, a legislative member of the Commission shall continue to serve for so long as the member remains a member of the General Assembly and no successor has been appointed. A member of the General Assembly who does not seek reelection or is not reelected to the General Assembly may complete a term of service on the Commission until the day on which a new General Assembly convenes. A legislative member of the Commission who resigns or is removed from service in the General Assembly shall be deemed to have resigned or been removed from office on the Commission. Any vacancy that occurs on the Commission shall be filled in the same manner as the original appointment."

**SECTION 10.** G.S. 146-64(9) reads as rewritten:

"(9) "Vacant and unappropriated lands" means all State lands title to which is vested in the State as sovereign, and land acquired by the State by virtue of being sold for taxes, except ~~swamplands~~ as hereinafter ~~defined.~~swamplands."

**SECTION 11.** G.S. 130A-310.11 reads as rewritten:

**"§ 130A-310.11. Inactive Hazardous Sites Cleanup Fund created.**

(a) There is established under the control and direction of the Department the Inactive Hazardous Sites Cleanup Fund. This fund shall be a revolving fund consisting of any monies appropriated for such purpose by the General Assembly or available to it from grants, taxes, and other monies paid to it or recovered by or on behalf of the Department. The Inactive Hazardous Sites Cleanup Fund shall be treated as a nonreverting special trust fund and shall be credited with interest by the State Treasurer pursuant to G.S. 147-69.2 and G.S. 147-69.3.

(b) Funds credited to the Inactive Hazardous Sites Cleanup Fund pursuant to G.S. 130A-295.9 shall be used only as provided in ~~G.S. 130A-309.295.9(e).~~ G.S. 130A-295.9(1) and G.S. 130A-310.5(c)."

### **PART IV. REPORTS CONSOLIDATION.**

**SECTION 12.** G.S. 106-744(i) reads as rewritten:

"(i) The Advisory Committee shall report no later than ~~May 1~~ October 1 of each year to the Joint Legislative Commission on Governmental Operations, the Environmental Review Commission, and the House of Representatives and Senate Appropriations Subcommittees on Natural and Economic Resources regarding the activities of the Advisory Committee, the agriculture easements purchased, and agricultural projects funded during the previous year."



1           **SECTION 13.** G.S. 113-44.15(c) reads as rewritten:

2           "(c) Reports. – The North Carolina Parks and Recreation Authority shall report no later  
3 than October 1 of each year to the Joint Legislative Commission on Governmental Operations,  
4 the House and Senate Appropriations Subcommittees on Natural and Economic Resources, the  
5 Fiscal Research Division, and the Environmental Review Commission on allocations from the  
6 Trust Fund from the prior fiscal year. ~~The Authority also shall provide a progress report no  
7 later than March 15 of each year to the same recipients on the activities of and the expenditures  
8 from the Trust Fund for the current fiscal year.~~"

9           **SECTION 14.** G.S. 113-77.9(e) reads as rewritten:

10          "(e) Reports. – The Secretary shall maintain and annually revise ~~twice each year~~ a list of  
11 ~~acquisitions~~ grants made pursuant to this Article. The list shall include the acreage of each  
12 tract, the county in which the tract is located, the amount ~~paid~~ awarded from the Fund to  
13 acquire the tract, and the State department or division responsible for managing the tract. The  
14 Secretary shall furnish a copy of the list to each Trustee, the Joint Legislative Commission on  
15 Governmental Operations, the House and Senate Appropriations Subcommittees on Natural  
16 and Economic Resources, the Fiscal Research Division, and the Environmental Review  
17 Commission ~~within 30 days after each revision.~~ no later than October 1 of each year."

18          **SECTION 15.** G.S. 143-58.2(f) is repealed.

19

20 **PART V. EFFECTIVE DATE.**

21          **SECTION 16.** Sections 12, 13, 14, and 15 of this act become effective January 1,  
22 2010. The remaining sections of this act are effective when this act becomes law.