

**NORTH CAROLINA GENERAL ASSEMBLY  
CONFERENCE REPORT  
Senate Bill 229**

S229-CRTA-19 [v.2]

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[YES] Title Change

[YES] For Committee Substitute

To:           The President of the Senate  
              The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 229, A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO (1) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO REPORT ON THE INTEGRATION OF STORMWATER CAPTURE AND REUSE INTO STORMWATER REGULATORY PROGRAMS; (2) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE ADVISABILITY AND FEASIBILITY OF REALLOCATING WATER SUPPLY IN JOHN H. KERR RESERVOIR FROM HYDROPOWER STORAGE TO WATER SUPPLY STORAGE; (2A) AMEND EXEMPTION OF CERTAIN TRANSFERS OF WATER IN THE CENTRAL COASTAL PLAIN CAPACITY USE AREA FROM INTERBASIN TRANSFER CERTIFICATION REQUIREMENTS; (3) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY AND EVALUATE DEGRADABLE PLASTIC PRODUCTS AND THEIR POTENTIAL TO CONTAMINATE RECYCLED PLASTIC FEEDSTOCKS; (4) DIRECT THE DIVISION OF PUBLIC HEALTH IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO REPORT ON THE ADMINISTRATION AND IMPLEMENTATION OF THE LEAD-BASED PAINT HAZARD MANAGEMENT PROGRAM FOR RENOVATION, REPAIR, AND PAINTING; (5) CLARIFY THAT THE DIVISION OF WATER QUALITY OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES SHALL NOT REQUIRE A WATER QUALITY PERMIT FOR A TYPE I SOLID WASTE COMPOST FACILITY; (6) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ACCEPT ALTERNATIVE MEASURES FOR STORMWATER CONTROL OTHER THAN PONDS THAT MEET CERTAIN CRITERIA AT AIRPORTS; (7) PROVIDE CONDITIONS TO ALLOW FOR TWO NONCONTIGUOUS PROPERTIES TO BE TREATED AS A SINGLE CONTIGUOUS PROPERTY FOR PURPOSES OF COMPLIANCE WITH LOCAL WATER SUPPLY WATERSHED PROGRAMS; (8) AMEND THE NEUSE AND TAR-PAMLICO RIVER BASIN BUFFER RULES TO PROVIDE THAT IT IS PERMISSIBLE TO DEVELOP AN EXISTING LOT LOCATED ADJACENT TO SURFACE WATERS UNDER CERTAIN CONDITIONS; (8A) PROHIBIT TREATMENT OF LAND WITHIN RIPARIAN BUFFERS AS LAND OF THE STATE OR ITS SUBDIVISIONS; (9) PROVIDE FLEXIBILITY FOR THE DEVELOPMENT OF BASINWIDE WATER QUALITY MANAGEMENT PLANS FOR RIVER BASINS THAT HAVE WATERS DESIGNATED AS NUTRIENT SENSITIVE; (10) AMEND THE DEFINITION OF COMMUNITY WATER SYSTEM; (11) ESTABLISH



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A VARIANCE PROCESS FOR CERTAIN SETBACK REQUIREMENTS FOR EXISTING PRIVATE DRINKING WATER WELLS; (12) REPEAL THE AUTHORITY OF THE ENVIRONMENTAL MANAGEMENT COMMISSION TO ADD COUNTIES TO THE MOTOR VEHICLE EMISSIONS INSPECTION PROGRAM; (13) ALLOW THE COMMERCIAL LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP FUND TO BE USED FOR THE REMOVAL OF ABANDONED UNDERGROUND STORAGE TANKS THAT HAVE NOT LEAKED BUT POSE AN IMMINENT HAZARD; (14) ESTABLISH A MINIMUM OCEAN HAZARD SETBACK OF SIXTY FEET OR THIRTY TIMES THE SHORELINE EROSION RATE, WHICHEVER IS GREATER, FOR DEVELOPMENT PERMITS TO REPLACE CERTAIN RESIDENTIAL DWELLINGS; (15) REQUIRE SCRAP TIRE COLLECTORS TO VERIFY ACCESS TO A PERMITTED SCRAP TIRE DISPOSAL SITE BEFORE CONTRACTING WITH ANY SCRAP TIRE PROCESSOR; (16) REQUIRE SEPTAGE MANAGEMENT FIRMS TO PROVIDE IDENTIFICATION OF AND NOTICE TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES BEFORE PLACING A PUMPER TRUCK NOT PREVIOUSLY INCLUDED IN A PERMIT INTO SERVICE; (17) AMEND OR REPEAL VARIOUS ENVIRONMENTAL AND NATURAL RESOURCES REPORTING REQUIREMENTS; (18) EXTEND THE DURATION OF PERMITS FOR SANITARY LANDFILLS AND TRANSFER STATIONS; (19) AMEND THE MARINE FISHERIES COMMISSION ADVISORY COMMITTEES; (20) PROVIDE THAT A SUPERMAJORITY OF THE MARINE FISHERIES COMMISSION IS REQUIRED TO OVERRIDE A RECOMMENDATION OF THE DIVISION OF MARINE FISHERIES REGARDING OVERFISHING OR REBUILDING OF FISH STOCKS; (21) PROVIDE CERTAIN PROTECTIONS TO GALAX AND VENUS FLYTRAP UNDER THE PLANT PROTECTION AND CONSERVATION ACT; (22) INCREASE THE CIVIL PENALTY FOR VIOLATIONS OF CERTAIN RULES OF THE WILDLIFE RESOURCES COMMISSION; (23) PROVIDE THAT FUNDS RECEIVED IN SETTLEMENT OF THE LAWSUIT FILED BY THE STATE AGAINST THE TENNESSEE VALLEY AUTHORITY BE USED EXCLUSIVELY IN CERTAIN COUNTIES; AND (24) MAKE TECHNICAL AND CONFORMING CHANGES TO ENVIRONMENTAL AND NATURAL RESOURCES LAWS, House Committee Substitute Favorable 6/11/12, Fourth Edition Engrossed 6/18/12, submit the following report:

The Senate and the House agree to the following amendment to the House Committee Substitute Favorable 6/11/12, Fourth Edition Engrossed 6/18/12, and the Senate concurs in the House Committee Substitute as amended:

Delete the entire House Committee Substitute Favorable 6/11/12, Fourth Edition Engrossed 6/18/12, and substitute the attached Proposed Conference Committee Substitute S229-PCCS15260-TA-1.

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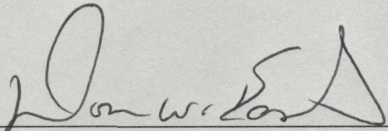
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The conferees recommend that the Senate and the House of Representatives adopt this report.

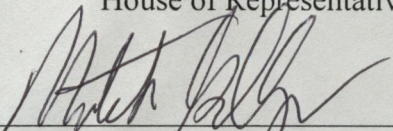
Date Conferees approved report: June 28, 2012.

Conferees for the Senate

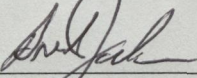
Conferees for the House of Representatives



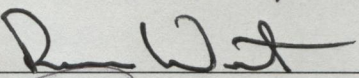
Don East, Chair



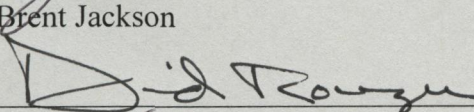
Mitch Gillespie, Chair



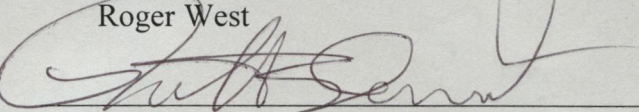
Brent Jackson



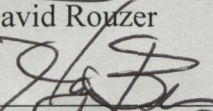
Roger West



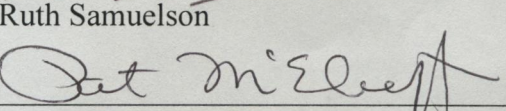
David Rouzer



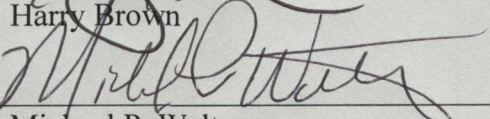
Ruth Samuelson



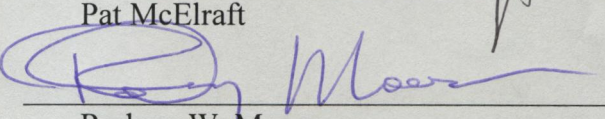
Harry Brown



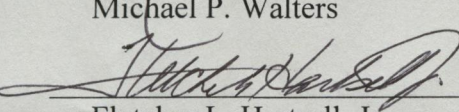
Pat McElraft



Michael P. Walters



Rodney W. Moore



Fletcher L. Hartsell, Jr.

*House* Submitted 6/28/12 *w/o sig calendar 6/28/12*  
*House* ADOPTED 6/28/12 ( 69 / 46 ) Message Received \_\_\_\_\_  
 ADOPTED \_\_\_\_\_ ( / ) Ordered Enrolled \_\_\_\_\_

*Senate notified  
Special Message  
Denise Uluku*

