

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 219
Committee Substitute Favorable 3/16/21
PROPOSED SENATE COMMITTEE SUBSTITUTE H219-PCS30570-BRa-33

Short Title: Amend Environmental Laws.

(Public)

Sponsors:

Referred to:

March 4, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CHANGES TO THE ENVIRONMENTAL LAWS OF THE
3 STATE.

4 The General Assembly of North Carolina enacts:

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6 **DIRECTED INFRASTRUCTURE PROJECTS DEADLINE FOR REVERSION**

7 **SECTION 1.(a)** Definition. – The following definitions apply to this section:

8 (1) Directed infrastructure grant recipient. – An entity receiving a direct allocation
9 of funds from the State Fiscal Recovery Fund under subsections 12.13(d),
10 12.13(e), 12.13(f), or 12.14(b) of S.L. 2021-180.

11 (2) Applicable reversion provision. – Section 12.13(c) of S.L. 2021-180 for
12 directed water and sewer allocations under subsections (d), (e), and (f) of that
13 section, or Section 12.14(i) of S.L. 2021-180 for directed stormwater
14 allocations from the Local Assistance for Stormwater Infrastructure
15 Investments Fund established by that section.

16 **SECTION 1.(b)** Submission Requirement. – Directed infrastructure grant recipients
17 must provide a complete Request for Funding form with a project budget describing a project
18 that is eligible for funding under applicable federal and State law no later than June 30, 2023.

19 **SECTION 1.(c)** Full Reversion. – Directed allocations shall fully revert on July 1,
20 2023, and be reallocated as set forth in the applicable reversion provision if the directed
21 infrastructure grant recipient (i) fails to provide a form by the deadline set forth in this subsection
22 or (ii) provides a form describing a project ineligible for funding.

23 **SECTION 1.(d)** Partial Reversion. – If a directed infrastructure grant recipient
24 submits a project budget by the deadline specified in subsection (b) of this section, but the budget
25 is less than the direct allocation provided to them by S.L. 2021-180, then the portion of the
26 directed allocation not required for the project shall revert on July 1, 2023, and be reallocated as
27 set forth in the applicable reversion provision.

28
29 **AMEND SCIF RIVER DEBRIS FUNDING AUTHORIZATION**

30 **SECTION 2.(a)** Section 40.7(a) of S.L. 2021-180 reads as rewritten:

31 "**SECTION 40.7.(a)** Funds transferred from the State Capital and Infrastructure Fund to the
32 Department of Environmental Quality (Department) for stream debris removal shall be used for
33 the removal and disposal of waterway debris from waters of the State located in a targeted river
34 ~~basin.~~ basin or other flood mitigation strategies prioritized through the Flood Resiliency
35 Blueprint developed under the directive set forth in Section 5.9(c) of this act. The Department



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1 shall develop a schedule for the removal and disposal of waterway debris from waters of the State
2 located in a targeted river basin and shall contract with one or more appropriate and qualified
3 private entities to carry out the debris removal and disposal activities."

4 **SECTION 2.(b)** Section 40.7(b) of S.L. 2021-180 is repealed.

5 **SECTION 2.(c)** This section is effective when it becomes law and applies
6 retroactively to July 1, 2021.

7 8 **FLOOD RESILIENCY BLUEPRINT TECHNICAL CORRECTION**

9 **SECTION 3.(a)** Section 5.9(c) of S.L. 2021-180 reads as rewritten:

10 **"SECTION 5.9.(c)** Flood Resiliency Blueprint. – Of the funds allocated in subdivision ~~(a)(1)~~
11 ~~(a)(7)~~ of this section, the Department of Environmental Quality, Division of Mitigation Services
12 (DMS), shall contract with an organization to develop a statewide Flood Resiliency Blueprint for
13 major watersheds impacted by flooding, including, among others, the Cape Fear River and the
14 Neuse River Basins. The watershed blueprint shall form the backbone of a State flood planning
15 process that increases community resiliency to flooding, shall be a resource for riverine and
16 stream management to reduce flooding, and should support the establishment and furtherance of
17 local government stormwater maintenance programs. The blueprint shall identify the major
18 watersheds affected by flooding and direct these funds toward the activities which are central to
19 the creation of an actionable blueprint, namely flood risk assessment, identification of data gaps,
20 and recommendations to reduce flood risk for each target watershed. When developing the
21 blueprint with the organization selected, DMS shall ensure the blueprint incorporates local
22 knowledge, community goals, projections of future flood risk, and the best available science and
23 hydrologic modeling to create a decision tool for flood mitigation investments and strategies
24 from local watersheds up to whole river basins. A successful blueprint should ultimately lead to
25 a prioritized set of projects and funding strategies that the State can implement. DMS and the
26 organization selected are encouraged to examine examples from other states such as the
27 Louisiana Coastal Master Plan or the flood resiliency planning processes in South Carolina and
28 Virginia. The organization shall send all necessary information to DMS on the implementation
29 of the blueprint upon request by DMS. The organization shall submit an initial draft of the
30 blueprint to DMS no later than December 31, 2023. DMS shall report by July 1, 2022, and
31 annually thereafter to the Joint Legislative Commission on Governmental Operations and the
32 Fiscal Research Division on the implementation of this subsection."

33 **SECTION 3.(b)** This section is effective when it becomes law and applies
34 retroactively to July 1, 2021.

35 36 **PROVIDE THE DIVISION OF MARINE FISHERIES FLEXIBILITY IN** 37 **MAINTAINING DIVISION AIRCRAFT**

38 **SECTION 4.** Section 13.16 of S.L. 2010-31 is repealed.

39 40 **ALIGN COASTAL AREA MANAGEMENT ACT PUBLIC NOTICE REQUIREMENTS** 41 **FOR LAND-USE PLAN HEARINGS WITH EXISTING LOCAL GOVERNMENT** 42 **NOTICE REQUIREMENTS**

43 **SECTION 5.** G.S. 113A-110(e) reads as rewritten:

44 "(e) Prior to adoption or subsequent amendment of any land-use plan, the body charged
45 with its preparation and adoption (whether the county or the Commission or a unit delegated such
46 responsibility) shall hold a public hearing at which public and private parties shall have the
47 opportunity to present comments and recommendations. Notice of the hearing shall be ~~given not~~
48 ~~less than 30 days before the date of the hearing and published at least one time, not less than 10~~
49 days nor more than 25 days before the date scheduled for the hearing. In computing such period,
50 the day of publication is not to be included but the day of the hearing shall be included. Notice
51 of the hearing shall state the date, time, and place of the hearing; the subject of the hearing; the

1 action which is proposed; and that copies of the proposed plan or amendment are available for
2 public inspection at a designated ~~office in the county courthouse~~ county or local government
3 office during designated hours. Any such notice shall be published at least once in a newspaper
4 of general circulation in the ~~county~~-area."

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6 **DEQ STAKEHOLDER STUDY OF THE EXPRESS PERMIT AND CERTIFICATION**
7 **REVIEW PROGRAM AND THE FAST-TRACK STORMWATER PERMITTING**
8 **PROGRAM**

9 **SECTION 6.** No later than July 1, 2022, the Department of Environmental Quality
10 shall convene a stakeholder working group to develop a mutually agreeable approach to expedite
11 permit issuance under the following programs: (i) the express permit and certification review
12 program established pursuant to G.S. 143B-279.13 and (ii) the fast-track permitting for the
13 stormwater management systems program established pursuant to G.S. 143-214.7B and 15A
14 NCAC 02H .1043 and .1044. The stakeholder group shall include industry experts, engineers,
15 environmental consultants, relevant faculty from The University of North Carolina, and the North
16 Carolina Home Builders Association and other development interests. The Department shall
17 report its findings, including any recommendations for legislative action to improve permitting
18 efficiencies under the programs, to the Joint Legislative Oversight Committee on Agriculture and
19 Natural and Economic Resources no later than December 31, 2022.

20 **SECTION 7.** Except as otherwise provided, this act is effective when it becomes
21 law.