

## **Report on the Activities and Recommendations of the Environmental Local Ordinances Working Group**

Submitted to the full Environmental Review Commission on March 12, 2014.

### **Background:**

Section 10.2(c) of Session Law 2013-413 directed the Environmental Review Commission (ERC) to study the circumstances under which cities and counties should be authorized to enact ordinances (i) that regulate a field that is also regulated by a State or federal statute enforced by an environmental agency or that regulate a field that is also regulated by a rule adopted by an environmental agency, and (ii) that are more stringent than the State or federal statute or State rule. Sections 10.2(a) and 10.2(b) imposed a temporary limitation on the enactment of ordinances in fields regulated by environmental agencies within the State, except when the ordinance is approved by a unanimous vote of the members present and voting. The ERC was further directed to report its findings and recommendations to the 2014 Regular Session of the 2013 General Assembly.

In response to the study directive, the ERC Co-Chairs established the Environmental Local Ordinances Working Group, led by Senator Brock and Representative McGrady. The following is a summary of the activities and the recommendations of the Environmental Local Ordinances Working Group.

### **February 4, 2014, Environmental Local Ordinances Working Group Meeting:**

On February 4, the Environmental Local Ordinances Working Group met at 4:30 P.M. in Room 512 of the Legislative Office Building to hear input from the North Carolina Department of Agriculture (NCDA) regarding local ordinances that have conflicted with agency regulations. The Working Group heard from the following:

- Keith Larick, Manager, Environmental Programs, NCDA
- Vernon Cox, Director, Plant Industry Division, NCDA
- Joy Hicks, Legislative Liaison, NCDA
- Jim Burnette, Director, Structural Pest Control and Pesticides Division, NCDA

### **February 4, 2014, Environmental Local Ordinances Working Group Meeting:**

On February 4, the Environmental Local Ordinances Working Group met at 5:00 P.M. in Room 512 of the Legislative Office Building to hear input from the North Carolina Department of Environment and Natural Resources (DENR) regarding local ordinances that have conflicted with agency regulations. The Working Group heard from the following:

- Dexter Matthews, Director, Division of Waste Management, DENR
- Tom Reeder, Director, Division of Water Resources, DENR
- Carr McLamb, Legislative Liaison, DENR
- Tracy Davis, Director, Division of Energy, Mineral, and Land Resources, DENR ([Document](#))

### **February 17, 2014, Environmental Local Ordinances Working Group Stakeholders Meeting:**

On February 17, the Environmental Local Ordinances Working Group met at 2:30 P.M. in Room 512 of the Legislative Office Building to hear input from various stakeholders. The Working Group heard from the following:

- Jay Stem, NC Aggregates Association
- Cassandra Skinner, NC Association of County Commissioners

- Lisa Martin, NC Home Builders ([Document](#))
- Steven Webb, NC Home Builders
- Elizabeth Robinson, NC Retail Merchants
- Andy Ellen, NC Retail Merchants
- Erin Wynia, League of Municipalities
- Cady Thomas, NC Association of Realtors
- Christie Barbee, Carolina Asphalt and Pavement Association

February 17, 2014, Environmental Local Ordinances Working Group Public Comments Hearing:

On February 17, the Environmental Local Ordinances Working Group met at 3:30 P.M. in Room 414 of the Legislative Office Building to receive comments from members of the public. The Working Group heard from the following:

- Jon Carr, NC Rural Water Association ([Document](#))
- Mary Maclean Asbill, Southern Environmental Law Center
- John H. Cox, Water Quality Manager, City of Durham Department of Public Works
- Dan McLawhorn, Office of the City Attorney, City of Raleigh ([Document](#))
- Berry Williams, CFM, NC Association of Floodplain Managers ([Document](#))
- Don O'Toole, City of Durham
- Bill Terry, Mayor, Town of Pittsboro ([Document](#))
- Darryl Norris, Stormwater Specialist, City of Wilson
- Michael Fiocco, Commissioner, Town of Pittsboro
- Jim Ionucci, Chief Engineer, New Hanover County
- Chris O'Keefe, Planning Director, New Hanover County

The Working Group also received written comments from:

- Brian Bock, Chatham County Board of Commissioners ([Document](#))
- W. Lane Bailey, City Manager, City of Lenoir ([Document](#))
- Chris Thomas, President, NAIOP Charlotte ([Document](#))
- Robin Smith, Chair, NC Sedimentation Control Commission ([Document](#))
- David Holec, City Attorney, City of Greenville ([Document](#))

Recommendations of the Water and Sewer Working Group:

Based on its work, the Environmental Local Ordinances Working Group submits the following legislative proposal: Authority to Adopt Certain Ordinances.