

The Daily Bulletin: 2017-08-30

PUBLIC/HOUSE BILLS

H 56 (2017-2018) [AMEND ENVIRONMENTAL LAWS](#). Filed Feb 7 2017, *AN ACT TO AMEND VARIOUS ENVIRONMENTAL LAWS*.

Conference report makes the following changes to the 6th edition.

Deletes changes to GS 143-215.1C, regarding reporting to wastewater system customers on system performance and report and notice of discharge of untreated wastewater.

Enacts new GS 143-215.73M (Coastal Storm Damage Mitigation Fund). Establishes the Coastal Storm Damage Mitigation Fund as a special revenue fund, and specifies which monies from non-State entities, as well as those specifically allocated to the fund by the General Assembly, go into the Fund. Provides that the Fund may only be used for beach nourishment, artificial dunes, and other projects to mitigate or remediate coastal storm damages to beaches and dune systems. Requires funded projects to be cost-shared with non-State dollars on at least a one-to-one basis. Authorizes non-state entities that contribute to the fund for a particular project to request that the contribution be returned if not spent or encumbered within two years of receipt by the Fund, and directs the Secretary of Environmental Quality to return the funds within 30 days of receipt of request, or 30 days of the end of the two year period, whichever is later.

Deletes the provision authorizing certain subdivisions to be in compliance with the impervious surface limitations of SL 2008-211, notwithstanding rules adopted to implement the act.

Deletes changes to GS 40A-3 (regarding condemnation of land for pipelines and mains originating outside the State), GS 143B-289.52 (regarding the powers and duties of the Marine Fisheries Commission), GS 143B-289.54 (regarding the composition, qualifications, and terms of the members of the Marine Fisheries Commission), and GS 113-182.1(e1) (regarding the Marine Fisheries Commission's authority to develop temporary management measures to supplement existing Fishery Management Plans).

If SB 16 (Business Regulatory Reform Act of 2017), 2017 Regular Session, becomes law, amends Section 16 of that act to make GS 130A-294(a3), regarding life-of-site permits issued for sanitary landfills, applicable only to valid and operative franchise agreements in effect on October 1, 2015.

Amends GS 130A-291 (Division of Waste Management). Limits the authority of units of local government, by ordinance or otherwise, to require solid waste generated within a geographic area and placed in the waste stream for disposal to be delivered to a permitted solid waste management facility for that geographic area to three listed circumstances, including when the unit of local government has debt associated with solid waste management facilities and equipment outstanding on September 1, 2017, until that debt is matured. Authorizes regional solid waste management authorities under GS Chapter 153A, Article 22 (Regional Solid Waste Management Authorities), and units of local government that are members of an Authority, to require solid waste generated within its jurisdiction to be delivered to the permitted solid waste management facility operated by the Authority. Prohibits units of local government from prohibiting the disposal of construction and demolition debris in any sanitary landfill permitted for the disposal of such debris, which landfill has a valid and operative franchise agreement and is otherwise properly permitted.

Makes conforming changes to GS 130A-294 (Solid waste management program) and GS 153A-292 (County collection and disposal facilities).

Enacts new GS 159-211 (Borrowing authority for landfills). Requires units of local government, when applying for approval to enter into debt for the purpose of expansion or construction of a landfill within their jurisdiction, and wants to support the debt repayment by requiring solid waste collected within the county to be delivered exclusively to the county facility, to further demonstrate three listed things, including that the proposed expansion or construction is necessary to ensure reliable, convenient, and affordable solid waste disposal service is provided consistently to all citizens under its jurisdiction for the protection of public health, safety, and welfare. Directs the Local Government Commission to consider the submitted

information and approve an application only if it finds the information presented supports the need for, and cost-effectiveness of, the proposed project. Provides notice requirements for the tentative rejection of an application, and requires a public hearing prior to the final approval of an application at which interested persons may be heard. Applies only to units of local government which, at the time of application for approval to enter debt for expansion or construction of a landfill, have adopted an ordinance under GS 130A-291(c). Requires a unit of local government that has debt approved, but has not satisfied this statute, which later seeks to adopt an ordinance under GS 130A-291(c), to meet the requirements of this statute prior to adopting and enforcing such an ordinance.

Amendments to GS 130A-291, GS 130A-294, GS 153A-292, and new GS 159-211 do not impact the terms of a contract, franchise agreement, or other agreement between a unit of local government and another entity concerning the management of solid waste, or the financing of such services or related facilities or equipment, in effect on the date this bill becomes law.

Amends GS 130A-335 to authorize the evaluations for soil conditions and site features for proposed sites for residences, places of business, or places of public assembly for which a new wastewater system is proposed or repair is necessary for compliance to be performed by a licensed soil scientist under GS Chapter 89F (currently, by a licensed soil scientist or geologist). Authorizes a licensed geologist to evaluate the proposed site for geologic and hydrogeologic conditions.

Makes a conforming change to GS 130A-336.1.

Changes the effective date from July 1, 2017, to September 1, 2017 for the proposed repeal of Part 2G (plastic bag management) of Article 9 of GS Chapter 130A, the proposed conforming changes to GS 130A-22(a), and the repeal of Section 13.10(c) of SL 2010-31 (concerning monitoring and reporting requirements of the Division of Waste Management and the Division of Environmental Assistance and Outreach).

Adds new Section establishing the General Assembly's findings regarding the discharge of the poly-fluoroalkyl chemical (commonly known as "GenX") into the Cape Fear River. Appropriates \$435,000 of the funds appropriated to the Contingency and Emergency Fund in SL 2017-57 (Appropriations Act of 2017) to be allocated as follows. Allocates \$100,000 to the Cape Fear Public Utility Authority to study the identification and deployment of water treatment technology to remove GenX from the public water supply in coordination with Brunswick County Public Utilities, Pender County Utilities, and other entities as specified. Allocates \$85,000 to the Cape Fear Public Utility Authority for ongoing monitoring of water supplies withdrawn from the Cape Fear River. Directs the Cape Fear Public Utility Authority to provide an interim report to the Environmental Review Commission by December 1, 2017, and a final report by April 1, 2018. Allocates \$250,000 to the University of North Carolina at Wilmington to identify and quantify GenX and measure the concentration of the chemicals in the sediments of the Cape Fear River, the extent to which the chemical biodegrades over time or bioaccumulates within local ecosystems, and what risk the contaminant poses to human health. Prohibits UNC-W from charging indirect facilities and administrative costs against the funding provided. Directs UNC-W to provide an interim report to the Environmental Review Commission by December 1, 2017, and a final report by April 1, 2018. Specifies that the funds allocated for the 2017-18 fiscal year remain available for nonrecurring expenses until the end of the 2018-19 fiscal year, and allows entities funded to establish time-limited positions for the biennium with the funds allocated.

Amends Section 13.7 of SL 2017-57 to require the North Carolina Policy Collaboratory (Collaboratory) at UNC-Chapel Hill to, in addition to identifying and acquiring digital data relevant to environmental monitoring and natural resource management, develop a proposal for the creation of an online database to provide National Pollutant Discharge Elimination System (NPDES) and other water quality permits, permit applications, and relevant supporting documents to the public in a searchable and user friendly format, and the creation of a system for electronic filing of applications for these permits and relevant supporting documents. Directs the Collaboratory to provide an interim report to the Environmental Review Commission (previously not included), the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources, the chairs of the House Appropriations Committee on Agriculture and Natural and Economic Resources, the chairs of the Senate Appropriations Committee on Agriculture, Natural, and Economic Resources, and the Fiscal Research Division on its progress by December 1, 2017, and provide its proposal to the entities by April 1, 2018 (previously, proposal by March 1, 2018).

Requires the Department of Environmental Quality to provide a detailed written report to the Environmental Review Commission on September 8, 2017 if the Department has yet to issue a Notice of Violation to any company or person for the discharge of the GenX chemical to the Cape Fear River and for the resulting contamination of the Cape Fear River and public water supplies, giving the reasons why a Notice of Violation has not been issued.

[View summary](#)

**Environment, Aquaculture and Fisheries,
 Environment/Natural Resources, Government, State Agencies,
 Department of Environmental Quality (formerly DENR),
 Department of Health and Human Services, State
 Government, Executive, State Property, Health and Human
 Services, Health, Public Health**

PUBLIC/SENATE BILLS

S 692 (2017-2018) [ADJOURN AUGUST REDISTRICTING SESS & RECONVENE](#). Filed Aug 30 2017, *A JOINT RESOLUTION ADJOURNING THE SESSION RECONVENED PURSUANT TO SECTION 2.1 OF RESOLUTION 2017-12, AS AMENDED BY RESOLUTION 2017-14, AND FURTHER AMENDING RESOLUTION 2017-12.*

Provides that when the House and Senate adjourn on the date this resolution is ratified, they stand adjourned to reconvene as provided in Resolution 2017-12 (Adjournment Resolution).

Amends Resolution 2017-12, as previously amended, as follows. Provides that when the House and Senate jointly adjourn the session convened on August 18, 2017, they stand adjourned to reconvene at noon on Wednesday, October 4, 2017. Limits the matters that may be considered during the reconvened session to the following:

- Bills revising the judicial divisions of the State, the superior court districts, the district court districts, and the prosecutorial districts and the apportionment of judges and district attorneys among those districts and containing no other matter.
- Bills revising districts for cities, counties, and other political subdivisions of the State and the apportionment of elected officials among those districts and containing no other matter.
- Bills revising Senate districts and the apportionment of Senators among those districts and containing no other matter.
- Bills revising the Representative districts and the apportionment of Representatives among those districts and containing no other matter.
- Bills amending the constitution.
- Bills vetoed by the governor, solely for the purpose of considering overriding the veto upon reconsideration.
- Bills providing for selection, appointment, or confirmation.
- Bills providing for action on gubernatorial nominations or appointments.
- Bills for impeachment.
- Bills concerning redistricting litigation or any other litigation challenging the legality of legislative enactments.
- Bills returned on or after Wednesday, June 28, 2017, to the house in which the bill originated for concurrence.
- Adoption of conference reports for bills which were in conference on or after June 28, 2017, and conferees had been appointed by both houses on or after that date.
- Bills relating to election laws.
- Bills making technical corrections to SL 2017-57 (Appropriations Act of 2017), SL 2017-119 (Disaster Recovery Act of 2017), or both.
- Local bills having passed third reading in the house in which introduced, received in the other house in accordance with crossover deadlines set out in Senate Rule 41 or House Rule 31.1(h), as appropriate, and not disposed of in the other house by tabling, unfavorable committee report, indefinite postponement, or failure to pass any reading, and which do not violate the rules of the receiving house.
- A joint resolution further adjourning the 2017 Regular Session or amending a joint resolution adjourning the 2017 Regular Session to a date certain.

When the House and Senate jointly adjourn the session convened on Wednesday, October 4, 2017, they stand adjourned to reconvene on Wednesday, May 16, 2018, at noon. Matters that may be considered during the reconvened session on May 16 remain as set forth in Resolution 2017-12.

ACTIONS ON BILLS

PUBLIC BILLS

H 56: AMEND ENVIRONMENTAL LAWS.

House: Added to Calendar

Senate: Conf Com Reported

Senate: Placed on Today's Calendar

House: Re-ref Com On Rules, Calendar, and Operations of the House

Senate: Conf Report Adopted

House: Reptd Fav For Adoption

House: Cal Pursuant Rule 44(d)

House: Placed On Cal For 08/31/2017

H 140: DENTAL PLANS PROVIDER CONTRACTS/TRANSPARENCY.

Senate: Veto Overridden

H 717: REVISE JUDICIAL DISTRICTS. (NEW)

House: Withdrawn From Com

House: Re-ref Com On House Select Committee on Judicial Redistricting

H 770: VARIOUS CLARIFYING CHANGES (NEW).

Senate: Veto Overridden

H 927: 2017 HOUSE REDISTRICTING PLAN A2(NEW).

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

S 691: 2017 SENATE FLOOR REDISTRICTING PLAN -- 4TH ED (NEW).

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Ordered Enrolled

S 692: ADJOURN AUGUST REDISTRICTING SESS & RECONVENE.

Senate: Filed

Senate: Passed 1st Reading

Senate: Placed on Today's Calendar

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Special Message Sent To House

House: Passed 1st Reading

House: Added to Calendar

House: Added to Calendar

House: Withdrawn From Cal

House: Placed On Cal For 08/31/2017

No local actions on bills

