

1 FLUORESCENT LIGHTS AND MERCURY THERMOSTATS FROM BUILDINGS
2 PRIOR TO DEMOLITION, AND BAN MERCURY-CONTAINING PRODUCTS FROM
3 UNLINED LANDFILLS, (16) AUTHORIZE THE ENVIRONMENTAL REVIEW
4 COMMISSION TO STUDY THE PENALTIES APPLICABLE TO VIOLATIONS OF
5 G.S. 130A-309.10 (PROHIBITED ACTS RELATED TO PACKAGING; CODED
6 LABELING OF PLASTIC CONTAINERS REQUIRED; DISPOSAL OF CERTAIN
7 SOLID WASTES IN LANDFILLS OR BY INCINERATION PROHIBITED); AND (17)
8 PROVIDE THAT LOCAL GOVERNMENTS AND LARGE COMMUNITY WATER
9 SYSTEMS ONLY REQUIRE SEPARATE METERS FOR NEW IN-GROUND
10 IRRIGATION SYSTEMS FOR LOTS PLATTED AFTER JULY 1, 2009, THAT ARE
11 CONNECTED TO THEIR SYSTEMS.

12 The General Assembly of North Carolina enacts:

13 **SECTION 1.** G.S. 47-30(f)(9) reads as rewritten:

14 "(9) Where the plat is the result of a survey, one or more corners shall, by a
15 system of azimuths or courses and distances, be accurately tied to and
16 coordinated with a horizontal control monument of some United States or
17 State Agency survey system, such as the North Carolina Geodetic Survey
18 where the monument is within 2,000 feet of the subject property. Where the
19 North Carolina Grid System coordinates of the monument are on file in the
20 ~~North Carolina Office of State Budget and Management, North Carolina~~
21 Geodetic Survey Section in the Division of Land Resources of the
22 Department of Environment and Natural Resources, the coordinates of both
23 the referenced corner and the monuments used shall be shown in X (easting)
24 and Y (northing) coordinates on the plat. The coordinates shall be identified
25 as based on "NAD 83," indicating North American Datum of 1983, or as
26 "NAD 27," indicating North American Datum of 1927. The tie lines to the
27 monuments shall also be sufficient to establish true north or grid north
28 bearings for the plat if the monuments exist in pairs. Within a previously
29 recorded subdivision that has been tied to grid control, control monuments
30 within the subdivision may be used in lieu of additional ties to grid control.
31 Within a previously recorded subdivision that has not been tied to grid
32 control, if horizontal control monuments are available within 2,000 feet, the
33 above requirements shall be met; but in the interest of bearing consistency
34 with previously recorded plats, existing bearing control should be used
35 where practical. In the absence of ~~Grid Control, grid control~~, other
36 appropriate natural monuments or landmarks shall be used. In all cases, the
37 tie lines shall be sufficient to accurately reproduce the subject lands from the
38 control or reference points used."

39 **SECTION 2.** G.S. 120-70.42(b) reads as rewritten:

40 "(b) The President Pro Tempore of the Senate shall designate one ~~Senator to serve as~~
41 ~~cochair~~ or more Senators and the Speaker of the House of Representatives shall designate one
42 ~~Representative to serve as cochair~~ or more Representatives to serve as cochairs."

43 **SECTION 3.** G.S. 130A-310.4(b) reads as rewritten:

44 "(b) Before approving any remedial action plan, the Secretary shall make copies of the
45 proposed plan available for inspection as follows:

- 46 (1) A copy of the plan shall be provided to the local health director.
- 47 (2) ~~A copy of the proposed plan shall be filed with the register of deeds in the~~
48 ~~county or counties in which the site is located.~~
- 49 (3) A copy of the plan shall be provided to the each public library located in
50 closest proximity to the site in the county or counties in which the site is
51 located.

1 (4) The Secretary may place copies of the plan in other locations so as to assure
2 the availability thereof to the public.

3 In addition, copies of the plan shall be available for inspection and copying at cost by the
4 public during regular business hours in the offices of the agency within the Department with
5 responsibility for the administration of the remedial action program."

6 **SECTION 4.(a)** Part 1 of Article 21 of Chapter 143 of the General Statutes is
7 amended by adding a new section to read:

8 "**§ 143-214.25A. Riparian Buffer Protection Program: Surface Water Identification**
9 **Training and Certification Program.**

10 (a) The Division of Water Quality of the Department shall develop a program to train
11 and certify individuals to determine the presence of surface waters that would require the
12 application of rules adopted by the Commission for the protection of riparian buffers. The
13 Division may train and certify employees of the Division as determined by the Director of the
14 Division of Water Quality; employees of units of local government to whom responsibility for
15 the implementation and enforcement of the riparian buffer protection rules is delegated
16 pursuant to G.S. 143-214.23; and Registered Foresters under Chapter 89B of the General
17 Statutes who are employees of the Division of Forest Resources of the Department as
18 determined by the Director of the Division of Forest Resources. The Director of the Division of
19 Water Quality may review the determinations made by individuals who are certified pursuant
20 to this section, may override a determination made by an individual certified under this section,
21 and, if the Director of the Division of Water Quality determines that an individual is failing to
22 make correct determinations, revoke the certification of that individual.

23 (b) The Division of Water Quality shall develop standard forms for use in making and
24 reporting determinations. Each individual who is certified to make determinations under this
25 section shall prepare a written report of each determination and shall submit the report to the
26 agency that employs the individual. Each agency shall maintain reports of determinations made
27 by its employees, shall forward a copy of each report to the Director of the Division of Water
28 Quality, and shall maintain these reports and all other records related to determinations so that
29 they will be readily accessible to the public."

30 **SECTION 4.(b)** In implementing the Surface Water Identification Training and
31 Certification Program established by G.S. 143-214.25A, as enacted by Section 4(a) of this act,
32 the Division of Water Quality of the Department of Environment and Natural Resources shall
33 give priority to training and certifying the most highly qualified and experienced personnel in
34 each agency. The Division of Water Quality shall evaluate the effectiveness of the Surface
35 Water Identification Training and Certification Program and shall submit an annual report of its
36 findings and recommendations, if any, to the Environmental Review Commission on or before
37 October 1 of each year. The Division of Water Quality shall submit the first report required by
38 this section on or before October 1, 2011.

39 **SECTION 4.(c)** Sections 4(a), 4(b), and 4(c) of this act shall not be construed to
40 obligate the General Assembly to appropriate any funds to implement the provisions of this act.
41 Every agency to which this section applies shall implement the provisions of this act with funds
42 otherwise appropriated or available to the agency.

43 **SECTION 5.** G.S. 143-215.1C(a) reads as rewritten:

44 "(a) Report to Wastewater System Customers. – The owner or operator of any
45 wastewater collection or treatment works, the operation of which is primarily to collect or treat
46 municipal or domestic wastewater and for which a permit is issued under this ~~Part~~, Part and
47 having an average annual flow greater than 200,000 gallons per day, shall provide to the users
48 or customers of the collection system or treatment works and to the Department an annual
49 report that summarizes the performance of the collection system or treatment works and the
50 extent to which the collection system or treatment works has violated the permit or federal or
51 State laws, regulations, or rules related to the protection of water quality. The report shall be

1 prepared on either a calendar or fiscal year basis and shall be provided no later than 60 days
2 after the end of the calendar or fiscal year."

3 **SECTION 6.** G.S. 143-215.112(d)(1a) reads as rewritten:

4 "(1a) Each governing body, or its authorized agent, shall have the power to assess
5 civil penalties under G.S. 143-215.114A. Any person assessed shall be
6 notified of the assessment by registered or certified mail, and the notice shall
7 specify the reasons for the assessment. If the person assessed fails to pay the
8 amount of the assessment to the governing body or its authorized agent
9 within 30 days after receipt of notice, or such longer period not to exceed
10 180 days as the governing body or its authorized agent may specify, the
11 governing body may institute a civil action in the superior court of the
12 county in which the violation occurred, to recover the amount of the
13 assessment. If any action or failure to act for which a penalty may be
14 assessed under this section is continuous, the governing body or its
15 authorized agent may assess a penalty not to exceed ~~ten thousand dollars~~
16 ~~(\$10,000)~~ twenty-five thousand dollars (\$25,000) per day for so long as the
17 violation continues. In determining the amount of the penalty, the governing
18 body or its authorized agent shall consider the degree and extent of harm
19 caused by the violation, the cost of rectifying the damage, and the amount of
20 money the violator saved by not having made the necessary expenditures to
21 comply with the appropriate pollution control requirements."

22 **SECTION 7.(a)** The title of Part 17A of Article 7 of Chapter 143B of the General
23 Statutes reads as rewritten:

24 "~~Part 17A. North Carolina National Park, Parkway and Forests Development Council.~~ Western
25 North Carolina Public Lands Council."

26 **SECTION 7.(b)** G.S. 143B-324.1 reads as rewritten:

27 "**§ 143B-324.1. North Carolina National Park, Parkway and Forests Development**
28 **Council; Western North Carolina Public Lands Council creation; powers;**
29 **duties.**

30 ~~The North Carolina National Park, Parkway and Forests Development Council~~ Western
31 North Carolina Public Lands Council is created within the Department of Environment and
32 Natural Resources. The Council shall:

33"

34 **SECTION 7.(c)** G.S. 143B-324.2 reads as rewritten:

35"

36 "**§ 143B-324.2. North Carolina National Park, Parkway and Forests Development**
37 **Council—Western North Carolina Public Lands Council members; selection;**
38 **officers; removal; compensation; quorum; services.**

39 (a) Members; selection; and terms of service. — ~~The North Carolina National Park,~~
40 ~~Parkway and Forests Development Council~~ Western North Carolina Public Lands Council
41 within the Department of Environment and Natural Resources shall consist of seven members
42 appointed by the Governor. The composition of the Council shall be as follows:

43 (1) ~~one~~ One member shall be a resident of Buncombe ~~County,~~ County.

44 (2) ~~one~~ One member shall be a resident of Haywood ~~County,~~ County.

45 (3) ~~one~~ One member shall be a resident of Jackson ~~County,~~ County.

46 (4) ~~one~~ One member shall be a resident of Swain ~~County,~~ County.

47 (5) One member shall be a resident of Cherokee County.

48 (6) ~~three~~ Two members shall be residents of counties adjacent to the Blue Ridge
49 Parkway, the Great Smoky Mountains National Park or the Pisgah or
50 Nantahala national forests.

1 The appointment of members shall be for terms of four years, or until their successors are
 2 appointed and qualify. Any appointment to fill a vacancy on the Council created by the
 3 resignation, dismissal, death or disability of a member shall be for the balance of the unexpired
 4 term.

5 (b) Officers. – The Council shall elect a ~~chairman, chair, a vice-chairman vice-chair,~~ and
 6 a secretary. The ~~chairman and the vice-chairman~~ chair and vice-chair shall all be members of
 7 the Council, but the secretary need not be a member of the Council. These officers shall
 8 perform the duties usually pertaining to such offices and when elected shall serve for a period
 9 of one year, but may be reelected. In case of vacancies by resignation or death, the office shall
 10 be filled by the Council for the unexpired term of said officer.

11 (c) Removal. – The Governor shall have the power to remove any member of the
 12 Council from office in accordance with the provisions of G.S. 143B-16 of the Executive
 13 Organization Act of 1973.

14 (d) Compensation. – Members of the Council shall receive per diem and necessary
 15 travel and subsistence expenses in accordance with the provisions of G.S. 138-5 and
 16 G.S. 143B-15 of the Executive Organization Act of 1973.

17 (e) Quorum. – Five members of the Council shall constitute a quorum for the
 18 transaction of business."

19 **SECTION 7.(d)** G.S. 143B-324.3 reads as rewritten:

20 "**§ 143B-324.3. ~~North Carolina National Park, Parkway and Forests Development~~**
 21 **~~Council~~–Western North Carolina Public Lands Council meetings.**

22 The ~~North Carolina National Park, Parkway and Forests Development Council~~ Western
 23 North Carolina Public Lands Council shall meet monthly and may hold special meetings at any
 24 time and place within the State at the call of the ~~chairman~~ chair or upon written request of at
 25 least a majority of the members."

26 **SECTION 7.(e)** G.S. 143B-432(a) reads as rewritten:

27 "(a) The Division of Economic Development of the Department of Natural and Economic
 28 Resources, the Science and Technology Committee of the Department of Natural and
 29 Economic Resources, the Science and Technology Research Center of the Department of
 30 Natural and Economic Resources, and the ~~North Carolina National Park, Parkway and Forests~~
 31 ~~Development Council~~ Western North Carolina Public Lands Council of the Department of
 32 Natural and Economic Resources are each hereby transferred to the Department of Commerce
 33 by a Type I transfer, as defined in G.S. 143A-6."

34 **SECTION 7.(f)** G.S. 143B-433 reads as rewritten:

35 "**§ 143B-433. Department of Commerce – organization.**

36 The Department of Commerce shall be organized to include:

37 (1) The following agencies:

38 ...

39 p. ~~North Carolina National Park, Parkway and Forests Development~~
 40 ~~Council~~ Western North Carolina Public Lands Council.

41"

42 **SECTION 7.(g)** G.S. 153B-3(d) reads as rewritten:

43 "(d) Membership. – The Commission shall consist of 17 members as follows:

44 ...

45 (4) One member to represent the ~~North Carolina National Parks, Parkway and~~
 46 ~~Forests Development Council~~ Western North Carolina Public Lands
 47 Council.

48"

49 **SECTION 8.** G.S. 143-355.2(h1) reads as rewritten:

50 "(h1) A trade or professional organization representing commercial car washes may
 51 establish a voluntary water conservation and water use efficiency certification program to

1 encourage and promote the use of year-round water conservation and water use efficiency
2 ~~measures~~ measures. Implementation of a voluntary water conservation and water use efficiency
3 program shall be considered in determining compliance with local government water shortage
4 response plans as follows:

- 5 (1) A water conservation and water use efficiency certification may only be
6 issued to a person that demonstrates ~~that water use from its water-consuming~~
7 ~~processes is reduced by and maintained at twenty percent (20%) or more~~
8 ~~below the yearly average water use for the calendar year preceding~~
9 ~~application for certification.~~ full implementation of a voluntary water
10 conservation and water use efficiency program that is approved pursuant to
11 subdivision (3) of this subsection. In order to receive and maintain
12 certification, a person must have its facility inspected on an annual basis by a
13 licensed plumbing contractor who will confirm that the applicant is in
14 compliance with the standards of the certification program.
- 15 (2) A unit of local government that provides public water service or a large
16 community water system shall recognize and credit a commercial car wash
17 that has met the standards of a certification program for at least six months
18 prior to the most recent extreme drought designation for water conservation
19 achieved under the program. To the extent that a tiered response stage in the
20 water shortage response plan requires commercial or industrial users to
21 implement a percentage reduction in use, a car wash certified under a
22 program shall be credited with the percentage reduction achieved by
23 measures implemented under the program. Car washes certified under a
24 program shall not be required to reduce consumption more than any other
25 class of commercial or industrial water users during a water shortage
26 emergency.
- 27 (3) To qualify as an approved water conservation and water use efficiency
28 certification program, the Department of Environment and Natural
29 Resources shall determine that the program ~~effectively utilizes industry best~~
30 ~~management practices for the efficient use of water and achieves year-round~~
31 ~~reductions in water use.~~ use and results in a reduction of twenty percent
32 (20%) or more in average water use per vehicle. Best management practices
33 may include, but are not limited to, recycling, reclaiming, or reusing a
34 portion of the water in the consuming processes. If a unit of local
35 government that provides public water service or a large community water
36 system determines that a person certified under such a program is not
37 complying with the terms and standards of the certification program, it may
38 refuse to recognize and credit the conservation measures."

39 **SECTION 9.** G.S. 143-355.6 reads as rewritten:

40 **"§ 143-355.6. Enforcement.**

- 41 (a) The Secretary may assess a civil penalty of not less than one hundred dollars
42 (\$100.00) nor more than five hundred dollars (\$500.00) against any person who:
- 43 (1) Fails to report water use or other information required under
44 G.S. 143-355(k).
- 45 (2) Fails to act in accordance with the terms, conditions, or requirements of an
46 order issued by the Secretary under G.S. 143-355.3.
- 47 (3) Violates any provision of this Article or any rule adopted by the
48 Commission, the Department, or the Secretary implementing this Article.
- 49 (b) For each willful action or failure to act for which a penalty may be assessed under
50 this section, the Secretary may consider each day the action or inaction continues after notice is

1 given of the violation as a separate violation. A separate penalty may be assessed for each
2 separate violation.

3 (c) The Secretary may assess a civil penalty of not more than ten thousand dollars
4 (\$10,000) per month against a unit of local government that provides public water service or a
5 large community water system that fails to implement the water conservation measures set out
6 in the water shortage response plan approved by the Department under G.S. 143-355.2,
7 measures required by the Department under subsections (b) and (d) of G.S. 143-355.2, or the
8 default measures required under rules adopted by the Commission under S.L. 2002-167. ~~The~~
9 ~~Secretary may remit a civil penalty based on the factors set out in G.S. 143B-282.1(e)(1).~~

10 (c1) The amount of the civil penalty shall be based on the factors set out in
11 G.S. 143B-282.1(b). The procedures set out in G.S. 143B-282.1 shall apply to civil penalty
12 assessments that are presented to the Commission for final agency decision.

13 (c2) Requests for remission of civil penalties shall be filed with the Secretary. Remission
14 requests shall not be considered unless made within 30 days of receipt of the notice of
15 assessment. Remission requests must be accompanied by a waiver of the right to a contested
16 case hearing pursuant to Chapter 150B of the General Statutes and a stipulation of the facts on
17 which the assessment was based. Consistent with the limitations in G.S. 143B-282.1(c) and (d),
18 remission requests may be resolved by the Secretary and the violator. If the Secretary and the
19 violator are unable to resolve the request, the Secretary shall deliver remission requests and the
20 Secretary's recommended action to the Committee on Civil Penalty Remissions of the
21 Commission appointed pursuant to G.S. 143B-282.1(c).

22 (c3) If any civil penalty has not been paid within 30 days after the notice of assessment
23 has been served on the violator, the Secretary shall request the Attorney General to institute a
24 civil action in the superior court of any county in which the violator resides or in which the
25 violator's principal place of business is located to recover the amount of the assessment, unless
26 the violator contests the assessment as provided in subsection (e) of this section, or requests
27 remission of the assessment in whole or in part as provided in subsection (c2) of this section. If
28 any civil penalty has not been paid within 30 days after the final agency decision or court order
29 has been served on the violator, the Secretary shall request the Attorney General to institute a
30 civil action in the superior court of any county in which the violator resides or in which the
31 violator's principal place of business is located to recover the amount of the assessment.

32 (d) The violation of emergency water conservation rules adopted by the Secretary
33 pursuant to G.S. 143-355.3(b) is a Class 1 misdemeanor.

34 (e) The Secretary shall notify any person assessed a civil penalty of the assessment and
35 the specific reasons for the assessment by registered or certified mail or by any means
36 authorized by G.S. 1A-1, Rule 4. Contested case petitions shall be filed within 30 days of
37 receipt of the notice of assessment.

38 (f) The clear proceeds of civil penalties assessed pursuant to this section shall be
39 remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2."

40 **SECTION 10.** G.S. 143B-299(a) reads as rewritten:

41 "(a) Creation; Membership. – There is hereby created in the Department of Environment
42 and Natural Resources the North Carolina Sedimentation Control Commission, which is
43 charged with the duty of developing and administering the sedimentation control program
44 provided for in this Article. The Commission shall consist of the following members:

- 45 (1) A person to be nominated jointly by the boards of the North Carolina League
46 of Municipalities and the North Carolina Association of County
47 ~~Commissioners;~~Commissioners.
48 (2) A person to be nominated by the Board of the North Carolina Home
49 Builders ~~Assœiation;~~Association.
50 (3) A person to be nominated by the Carolinas Branch, Associated General
51 Contractors of ~~America;~~America.

- 1 (4) ~~The president, vice president, or general counsel~~A representative of a North
2 Carolina public utility ~~company;~~company.
- 3 (5) The Director of the North Carolina Water Resources Research
4 ~~Institute;~~Institute.
- 5 (6) A member of the State Mining Commission who shall be a representative of
6 nongovernmental conservation interests, as required by
7 ~~G.S. 74-38(b);~~G.S. 74-38(b).
- 8 (7) A member of the State Soil and Water Conservation
9 ~~Commission;~~Commission.
- 10 (8) A member of the Environmental Management ~~Commission;~~Commission.
- 11 (9) A soil scientist from the faculty of North Carolina State
12 ~~University;~~University.
- 13 (10) Two persons who shall be representatives of nongovernmental conservation
14 ~~interests;~~and interests.
- 15 (11) A professional engineer registered under the provisions of Chapter 89C of
16 the General Statutes nominated by the Professional Engineers of North
17 Carolina, Inc."

18 **SECTION 11.(a)** G.S. 153A-102.1 reads as rewritten:

19 "**§ 153A-102.1. ~~Electronic notice~~Notice of new fees and fee increases; public comment**
20 **period.**

21 (a) ~~If a county has a Web site maintained by one or more of its employees, the~~A county
22 shall provide notice to interested parties of the imposition of or increase in fees or charges
23 applicable solely to the construction of development subject to the provisions of Part 2 of
24 Article 18 of this Chapter ~~on the county's Web site~~ at least seven days prior to the first meeting
25 where the imposition of or increase in the fees or charges is on the agenda for consideration.
26 The county shall employ at least two of the following means of communication in order to
27 provide the notice required by this section:

- 28 (1) Notice of the meeting in a prominent location on a Web site managed or
29 maintained by the county.
- 30 (2) Notice of the meeting in a prominent physical location, including, but not
31 limited to, any government building, library, or courthouse within the
32 county.
- 33 (3) Notice of the meeting by electronic mail to a list of interested parties that is
34 created by the county for the purpose of notification as required by this
35 section.
- 36 (4) Notice of the meeting by facsimile to a list of interested parties that is
37 created by the county for the purpose of notification as required by this
38 section.

39 (a1) If a county manages or maintains a Web site, it may provide the notice required
40 pursuant to G.S. 160A-4.1, 130A-64.1, or 162A-9 on its Web site at the request of a city,
41 sanitary district, or water and sewer authority that does not manage or maintain a Web site of
42 its own. Any county that elects to provide such notice shall post the notice to its Web site
43 within seven days of the request made by the city, sanitary district, or water and sewer
44 authority.

45 (b) During the consideration of the imposition of or increase in fees or charges as
46 provided in subsection (a) of this section, the governing body of the county shall permit a
47 period of public comment.

48 (c) This section shall not apply if the imposition of or increase in fees or charges is
49 contained in a budget filed in accordance with the requirements of G.S. 159-12."

50 **SECTION 11.(b)** G.S. 160A-4.1 reads as rewritten:

1 **"§ 160A-4.1. ~~Electronic notice~~ Notice of new fees and fee increases; public comment**
2 **period.**

3 (a) ~~If a city has a Web site maintained by one or more of its employees, the~~A city shall
4 provide notice to interested parties of the imposition of or increase in fees or charges applicable
5 solely to the construction of development subject to the provisions of Part 2 of Article 19 of
6 this Chapter ~~on the city's Web site~~ at least seven days prior to the first meeting where the
7 imposition of or increase in the fees or charges is on the agenda for consideration. The city
8 shall employ at least two of the following means of communication in order to provide the
9 notice required by this section:

10 (1) Notice of the meeting in a prominent location on a Web site managed or
11 maintained by the city.

12 (2) Notice of the meeting in a prominent physical location, including, but not
13 limited to, any government building, library, or courthouse within the city.

14 (3) Notice of the meeting by electronic mail to a list of interested parties that is
15 created by the city for the purpose of notification as required by this section.

16 (4) Notice of the meeting by facsimile to a list of interested parties that is
17 created by the city for the purpose of notification as required by this section.

18 (a1) If a city does not maintain its own Web site, it may employ the notice option
19 provided by subdivision (1) of subsection (a) of this section by submitting a request to a county
20 or counties in which the city is located to post such notice in a prominent location on a Web
21 site that is maintained by the county or counties. Any city that elects to provide such notice
22 shall make its request to the county or counties at least 15 days prior to the date of the first
23 meeting where the imposition of or increase in the fees or charges is on the agenda for
24 consideration.

25 (b) During the consideration of the imposition of or increase in fees or charges as
26 provided in subsection (a) of this section, the governing body of the city shall permit a period
27 of public comment.

28 (c) This section shall not apply if the imposition of or increase in fees or charges is
29 contained in a budget filed in accordance with the requirements of G.S. 159-12."

30 **SECTION 11.(c)** G.S. 130A-64.1 reads as rewritten:

31 **"§ 130A-64.1. ~~Electronic notice~~ Notice of new or increased charges and rates; public**
32 **comment period.**

33 (a) ~~If a sanitary district has a Web site maintained by one or more of its employees,~~
34 ~~the~~A sanitary district shall provide notice to interested parties of the imposition of or increase
35 in service charges or rates applicable solely to the construction of development subject to Part 2
36 of Article 19 of Chapter 160A or Part 2 of Article 18 of Chapter 153A of the General Statutes
37 for any service provided by the sanitary district ~~on the sanitary district's Web site~~ at least seven
38 days prior to the first meeting where the imposition of or increase in the charges or rates is on
39 the agenda for consideration. The sanitary district shall employ at least two of the following
40 means of communication in order to provide the notice required by this section:

41 (1) Notice of the meeting in a prominent location on a Web site managed or
42 maintained by the sanitary district.

43 (2) Notice of the meeting in a prominent physical location, including, but not
44 limited to, the district's headquarters or any government building, library, or
45 courthouse located within the sanitary district.

46 (3) Notice of the meeting by electronic mail to a list of interested parties that is
47 created by the sanitary district for the purpose of notification as required by
48 this section.

49 (4) Notice of the meeting by facsimile to a list of interested parties that is
50 created by the sanitary district for the purpose of notification as required by
51 this section.

1 (a1) If a sanitary district does not maintain its own Web site, it may employ the notice
2 option provided by subdivision (1) of subsection (a) of this section by submitting a request to a
3 county or counties in which the district is located to post such notice in a prominent location on
4 a Web site that is maintained by the county or counties. Any sanitary district that elects to
5 provide such notice shall make its request to the county or counties at least 15 days prior to the
6 date of the first meeting where the imposition of or increase in the fees or charges is on the
7 agenda for consideration.

8 (b) During the consideration of the imposition of or increase in service charges or rates
9 as provided in subsection (a) of this section, the governing body of the sanitary district shall
10 permit a period of public comment.

11 (c) This section shall not apply if the imposition of or increase in service charges or
12 rates is contained in a budget filed in accordance with the requirements of G.S. 159-12."

13 **SECTION 11.(d)** G.S. 162A-9 reads as rewritten:

14 **"§ 162A-9. Rates and charges; ~~electronic~~ notice; contracts for water or services; deposits;**
15 **delinquent charges.**

16 (a) An authority may establish and revise a schedule of rates, fees, and other charges for
17 the use of and for the services furnished or to be furnished by any water system or sewer
18 system or parts thereof owned or operated by the authority. The rates, fees, and charges
19 established under this subsection are not subject to supervision or regulation by any bureau,
20 board, commission, or other agency of the State or of any political subdivision.

21 Before an authority sets or revises rates, fees, or other charges for stormwater management
22 programs and structural or natural stormwater and drainage system service, the authority shall
23 hold a public hearing on the matter. At least seven days before the hearing, the authority shall
24 publish notice of the public hearing in a newspaper having general circulation in the area. An
25 authority may impose rates, fees, or other charges for stormwater management programs and
26 stormwater and drainage system service on a person even though the person has not entered
27 into a contract to receive the service.

28 Rates, fees, and charges shall be fixed and revised so that the revenues of the authority,
29 together with any other available funds, will be sufficient at all times:

30 (1) To pay the cost of maintaining, repairing, and operating the systems or parts
31 thereof owned or operated by the authority, including reserves for such
32 purposes, and including provision for the payment of principal of and
33 interest on indebtedness of a political subdivision or of political subdivisions
34 which payment shall have been assumed by the authority, and

35 (2) To pay the principal of and the interest on all bonds issued by the authority
36 under the provisions of this Article as the same shall become due and
37 payable and to provide reserves therefor.

38 The fees established under this subsection must be made applicable throughout the service
39 area. Schedules of rates, fees, charges, and penalties for providing stormwater management
40 programs and structural and natural stormwater and drainage system service may vary
41 according to whether the property served is residential, commercial, or industrial property, the
42 property's use, the size of the property, the area of impervious surfaces on the property, the
43 quantity and quality of the runoff from the property, the characteristics of the watershed into
44 which stormwater from the property drains, and other factors that affect the stormwater
45 drainage system. Rates, fees, and charges imposed under this subsection for stormwater
46 management programs and stormwater and drainage system service may not exceed the
47 authority's cost of providing a stormwater management program and a structural and natural
48 stormwater and drainage system. The authority's cost of providing a stormwater management
49 program and a structural and natural stormwater and drainage system includes any costs
50 necessary to assure that all aspects of stormwater quality and quantity are managed in
51 accordance with federal and State laws, regulations, and rules.

1 No stormwater utility fee may be levied under this subsection whenever two or more units
2 of local government operate separate stormwater management programs or separate structural
3 and natural stormwater and drainage system services in the same area within a county.
4 However, two or more units of local government may allocate among themselves the functions,
5 duties, powers, and responsibilities for jointly operating a stormwater management program
6 and structural and natural stormwater and drainage system service in the same area within a
7 county, provided that only one unit may levy a fee for the service within the joint service area.
8 For purposes of this subsection, a unit of local government shall include a regional authority
9 providing stormwater management programs and structural and natural stormwater and
10 drainage system services.

11 ~~If an authority has a Web site maintained by one or more of its employees, the An~~
12 authority shall provide notice to interested parties of the imposition of or increase in rates, fees,
13 and charges under subsection (a) of this section applicable solely to the construction of
14 development subject to Part 2 of Article 19 of Chapter 160A or Part 2 of Article 18 of Chapter
15 153A of the General Statutes on the authority's Web site at least seven days prior to the first
16 meeting where the imposition of or increase in the rates, fees, and charges is on the agenda for
17 consideration. The authority shall employ at least two of the following means of
18 communication in order to provide the notice required by this subsection:

- 19 (1) Notice of the meeting in a prominent location on a Web site managed or
20 maintained by the authority.
- 21 (2) Notice of the meeting in a prominent physical location, including, but not
22 limited to, the authority's headquarters or any government building, library,
23 or courthouse located within the authority's service area.
- 24 (3) Notice of the meeting by electronic mail to a list of interested parties that is
25 created by the authority for the purpose of notification as required by this
26 section.
- 27 (4) Notice of the meeting by facsimile to a list of interested parties that is
28 created by the authority for the purpose of notification as required by this
29 section.

30 (a2) If an authority does not maintain its own Web site, it may employ the notice option
31 provided by subdivision (1) of subsection (a1) of this section by submitting a request to a
32 county or counties in which the authority is located to post such notice in a prominent location
33 on a Web site that is maintained by the county or counties. Any authority that elects to provide
34 such notice shall make its request to the county or counties at least 15 days prior to the date of
35 the first meeting where the imposition of or increase in the fees or charges is on the agenda for
36 consideration.

37 (a3) During the consideration of the imposition of or increase in rates, fees, or charges
38 under this subsection, the authority shall permit a period of public comment.

39 (a4) ~~This subsection~~ The notice requirements in subsection (a1) of this section shall not
40 apply if the imposition of or increase in rates, fees, and charges is contained in a budget filed in
41 accordance with the requirements of G.S. 159-12.

42 (b) Notwithstanding any of the foregoing provisions of this section, the authority may
43 enter into contracts relating to the collection, treatment or disposal of sewage or the purchase or
44 sale of water which shall not be subject to revision except in accordance with their terms.

45 (c) In order to insure the payment of such rates, fees and charges as the same shall
46 become due and payable, the authority may do the following in addition to exercising any other
47 remedies which it may have:

- 48 (1) Require reasonable advance deposits to be made with it to be subject to
49 application to the payment of delinquent rates, fees and charges.

- 1 (2) At the expiration of 30 days after any rates, fees and charges become
2 delinquent, discontinue supplying water or the services and facilities of any
3 water system or sewer system of the authority.
4 (3) Specify the order in which partial payments are to be applied when a bill
5 covers more than one service."

6 **SECTION 12.** Section 4 of S.L. 2005-190, as amended by Section 31 of S.L.
7 2006-259, reads as rewritten:

8 "**SECTION 4. Other drinking water supply reservoirs.** – The Environmental
9 Management Commission shall not make any new or increased nutrient loading allocation to
10 any person who is required to obtain a permit under G.S. 143-215 for an individual wastewater
11 discharge directly or indirectly into any impaired drinking water supply reservoir for which the
12 Division of Water Quality of the Department of Environment and Natural Resources has
13 prepared or updated a calibrated nutrient response model since 1 July 2002 until permanent
14 rules adopted by the Commission to implement the nutrient management strategy for that
15 reservoir become effective. The Commission shall report its progress in developing and
16 implementing nutrient management strategies for reservoirs to which this section applies to the
17 Environmental Review Commission by 1 April of each year beginning 1 April 2006."

18 **SECTION 13.(a)** The Wood and Crop Biomass Strategic Working Group is
19 established. The Working Group shall identify, study, and recommend a comprehensive
20 package of appropriate and targeted policies and financial incentives in order to do all of the
21 following:

- 22 (1) Ensure a reliable supply of sustainably managed wood and crop biomass for
23 energy purposes and other sectors.
24 (2) Develop economic opportunities for rural communities.
25 (3) Enhance natural resources and promote farm and forestland retention.
26 (4) Integrate wood and crop biomass into the State's comprehensive energy plan,
27 as recommended by the Energy Policy Council.

28 **SECTION 13.(b)** The Wood and Crop Biomass Strategic Working Group shall be
29 convened jointly by the Biofuels Center of North Carolina, the Department of Commerce, the
30 Department of Environment and Natural Resources, and the North Carolina Solar Center at
31 North Carolina State University. The Working Group shall consist of 20 members as follows:

- 32 (1) The President of the Biofuels Center of North Carolina or the President's
33 designee.
34 (2) The Secretary of Commerce or the Secretary's designee.
35 (3) The Secretary of Environment and Natural Resources or the Secretary's
36 designee.
37 (4) The Executive Director of the North Carolina Solar Center at North Carolina
38 State University or the Executive Director's designee.
39 (5) The Commissioner of Agriculture or the Commissioner's designee.
40 (6) The President of the North Carolina Biotechnology Center or the President's
41 designee.
42 (7) The President of Duke Power or the President's designee.
43 (8) The President of Progress Energy or the President's designee.
44 (9) The Director of the Southeast Office of Environmental Defense or the
45 Director's designee.
46 (10) The President of the North Carolina Farm Bureau Federation or the
47 President's designee.
48 (10a) Two members who are farmers, to be appointed by the President of the
49 North Carolina Farm Bureau Federation.
50 (11) The President of the North Carolina Forestry Association or the President's
51 designee.

- 1 (11a) Two members who are forest landowners, to be appointed by the President
2 of the North Carolina Forestry Association.
- 3 (12) The Director of the North Carolina Division of Forest Resources of the
4 Department of Environment and Natural Resources or the Director's
5 designee.
- 6 (13) The Executive Director of the North Carolina Chapter of The Nature
7 Conservancy or the Executive Director's designee.
- 8 (14) The President of Novozymes North America or the President's designee.
- 9 (15) The Executive Director of the North Carolina Sustainable Energy
10 Association or the Executive Director's designee.
- 11 (16) The Executive Director of the North Carolina Conservation Network or the
12 Executive Director's designee.

13 **SECTION 13.(c)** The Wood and Crop Biomass Strategic Working Group shall
14 meet monthly or upon the call of the conveners beginning no later than August 1, 2010.
15 Members of the Working Group shall not receive a salary. Members of the Working Group
16 shall not receive per diem and travel expenses for their service on the Working Group. Staff
17 and administrative assistance to the Working Group shall be provided by the Biofuels Center of
18 North Carolina. The authority granted to the Working Group shall be advisory in nature and in
19 no way shall the Working Group be construed to have any regulatory authority.

20 **SECTION 13.(d)** The Wood and Crop Biomass Strategic Working Group shall
21 submit an interim report of its findings and recommendations to the Environmental Review
22 Commission, the Senate and the House of Representatives Appropriations Subcommittees on
23 Natural and Economic Resources, and the Energy Policy Council no later than February 1,
24 2011. A final report containing findings, recommendations, and any legislative proposals shall
25 be submitted by the Working Group no later than May 1, 2011.

26 **SECTION 14.(a)** The Department of Administration, the Department of
27 Agriculture and Consumer Services, the Department of Commerce, the Department of Crime
28 Control and Public Safety, the Department of Environment and Natural Resources, the
29 Department of Health and Human Services, the Department of Insurance, and the Department
30 of Transportation shall:

- 31 (1) Review their respective planning and regulatory programs to determine
32 whether the programs currently consider the impacts of global climate
33 change, including adaptation and sea level rise.
- 34 (2) For those programs that currently consider the impacts of global climate
35 change, the agency shall describe how the program considers the impacts of
36 global climate change, including adaptation and sea level rise, and
37 recommend whether the consideration of the impacts of global climate
38 change should be modified or expanded.
- 39 (3) For those programs that do not currently consider the impacts of global
40 climate change, the agency shall recommend if and how the program should
41 consider the impacts of global climate change, including adaptation and sea
42 level rise.

43 **SECTION 14.(b)** No later than September 1, 2011, each State agency shall report
44 the results of its review and any recommendations to the Department of Environment and
45 Natural Resources. The Department shall compile the results and recommendations and report
46 them to the Environmental Review Commission and to any future legislative commission that
47 directly and primarily addresses issues concerning global climate change no later than
48 November 1, 2011.

49 **SECTION 15.(a)** Article 9 of Chapter 130A of the General Statutes is amended by
50 adding a new Part to read:

51 "Part 7. Management of Certain Products That Contain Mercury.

1 **"§ 130A-310.60. Recycling required by public agencies.**

2 (a) Each State agency, including the General Assembly, the General Court of Justice,
3 universities, community colleges, public schools, and political subdivisions using State funds
4 shall establish a program in cooperation with the Department of Environment and Natural
5 Resources and the Department of Administration for the collection and recycling of all spent
6 fluorescent lights and thermostats that contain mercury generated in public buildings. The
7 program shall include procedures for convenient collection, safe storage, and proper recycling
8 of spent fluorescent lights and thermostats that contain mercury and contractual or other
9 arrangements with buyers of the recyclable materials.

10 (b) Each State agency, including the General Assembly, the General Court of Justice,
11 universities, community colleges, the Department of Public Instruction on behalf of the public
12 schools, and political subdivisions shall submit a report on or before December 1, 2011, that
13 documents the entity's compliance with the requirements of subsection (a) of this section to the
14 Department of Environment and Natural Resources and the Department of Administration. The
15 Departments shall compile the information submitted and jointly shall submit a report to the
16 Environmental Review Commission on or before January 15, 2012, concerning the activities
17 required by subsection (a) of this section. The information provided shall also be included in
18 the report required by G.S. 130A-309.06(c).

19 **"§ 130A-310.61. Removal and recycling of mercury-containing products from structures**
20 **to be demolished.**

21 Prior to demolition of any building or structure in the State, the contractor responsible for
22 the demolition activity or the owner of the building or structure to be demolished shall remove
23 all fluorescent lights and thermostats that contain mercury from the building or structure to be
24 demolished."

25 **SECTION 15.(b)** G.S. 130A-309.10 is amended by adding a new subsection to
26 read:

27 "(m) No person shall knowingly dispose of fluorescent lights and thermostats that contain
28 mercury in a sanitary landfill for the disposal of construction and demolition debris waste that
29 is unlined or in any other landfill that is unlined."

30 **SECTION 15.(c)** G.S. 130A-22 reads as rewritten:

31 **"§ 130A-22. Administrative penalties.**

32 (a) The Secretary of Environment and Natural Resources may impose an administrative
33 penalty on a person who violates Article 9 of this Chapter, rules adopted by the Commission
34 pursuant to Article 9, or any term or condition of a permit or order issued under Article 9. Each
35 day of a continuing violation shall constitute a separate violation. The penalty shall not exceed
36 fifteen thousand dollars (\$15,000) per day in the case of a violation involving nonhazardous
37 waste. The penalty shall not exceed thirty-two thousand five hundred dollars (\$32,500) per day
38 in the case of a first violation involving hazardous waste as defined in G.S. 130A-290 or
39 involving the disposal of medical waste as defined in G.S. 130A-290 in or upon water in a
40 manner that results in medical waste entering waters or lands of the State; and shall not exceed
41 fifty thousand dollars (\$50,000) per day for a second or further violation involving the disposal
42 of medical waste as defined in G.S. 130A-290 in or upon water in a manner that results in
43 medical waste entering waters or lands of the State. The penalty shall not exceed thirty-two
44 thousand five hundred dollars (\$32,500) per day for a violation involving a voluntary remedial
45 action implemented pursuant to G.S. 130A-310.9(c) or a violation of the rules adopted pursuant
46 to G.S. 130A-310.12(b). The penalty shall not exceed one hundred dollars (\$100.00) for a first
47 violation; two hundred dollars (\$200.00) for a second violation within any 12-month period;
48 and five hundred dollars (\$500.00) for each additional violation within any 12-month period for
49 any violation of Part 2G of Article 9 of this Chapter. The penalty shall not exceed one hundred
50 dollars (\$100.00) for a first violation; two hundred dollars (\$200.00) for a second violation
51 within any 12-month period; and five hundred dollars (\$500.00) for each additional violation

1 within any 12-month period for any violation of Part 7 of Article 9 of this Chapter and
2 G.S. 130A-309.10(m). If a person fails to pay a civil penalty within 60 days after the final
3 agency decision or court order has been served on the violator, the Secretary of Environment
4 and Natural Resources shall request the Attorney General to institute a civil action in the
5 superior court of any county in which the violator resides or has his or its principal place of
6 business to recover the amount of the assessment. Such civil actions must be filed within three
7 years of the date the final agency decision or court order was served on the violator."

8 **SECTION 15.(d)** G.S. 130A-25 reads as rewritten:

9 "**§ 130A-25. Misdemeanor.**

10 (a) ~~A~~Except as otherwise provided, a person who violates a provision of this Chapter
11 or the rules adopted by the Commission or a local board of health shall be guilty of a
12 misdemeanor.

13 ...

14 (d) A violation of Part 7 of Article 9 of this Chapter or G.S. 130A-309.10(m) shall be
15 punishable as a Class 3 misdemeanor."

16 **SECTION 16.** The Environmental Review Commission may study the penalties
17 applicable to violations of G.S 130A-309.10 (Prohibited acts related to packaging; coded
18 labeling of plastic containers required; disposal of certain solid wastes in landfills or by
19 incineration prohibited), and report its findings, together with any recommended legislation, to
20 the 2011 Regular Session of the 2011 General Assembly upon its convening.

21 **SECTION 17.** G.S. 143-355.4(a) reads as rewritten:

22 "(a) Local government water systems and large community water systems shall require
23 separate meters for new in-ground irrigation systems on lots platted after July 1, 2009, that are
24 connected to their systems."

25 **SECTION 18.** Section 6 of this act becomes effective October 1, 2010 and applies
26 to violations that occur on or after that date. Section 9 of this act becomes effective October 1,
27 2010, and applies to penalties assessed on or after that date. Sections 11(a), 11(b), 11(c), and
28 11(d) of this act become effective February 1, 2011. Sections 15(a), 15(b), 15(c), and 15(d) of
29 this act become effective December 1, 2010. All other sections of this act are effective when
30 this act becomes law.