

# Environment, Natural Resources, and Energy

See full summary documents for additional detail

## **H56 - Amend Environmental Laws. (SL 2017-209)**

Session Law 2017-209 amends various environmental laws, including provisions involving the following:

- Modifications to financial assurance requirements for risk-based cleanups
- Repeal of obsolete hazardous waste provisions
- Establishment of requirements for imposition of land use restrictions for property contaminated by a petroleum discharge or release from a non-underground storage tank
- Consolidation of various water resources and water quality reports
- Modification of certain Coastal Area Management Act provisions
- Establishment of the Coastal Storm Damage Mitigation Fund
- Modification of the rule for pool lighting
- Modification of the rules for protection of existing buffers to exempt certain applicability requirements for public safety
- Modification of the rule for protection and maintenance of existing buffers in the Catawba River Basin to exempt certain applicability requirements for public walking trails
- A study of riparian buffer tax exclusions
- Establish additional requirements for water quality testing in the Catawba River
- Modifications to mining permit requirements
- Modifications to mitigation services law
- Clarification to the Energy Policy Council
- Modifications to certain laws governing solid waste management
- Clarification to the roles of geologists and soil scientists in wastewater system site evaluations
- Repeal of the plastic bag ban
- GenX response measures

## **H275 - No Stormwater Fees on Taxiways or Runways. (SL 2017-132)**

S.L. 2017-132 exempts military runways and taxiways from stormwater utility fees and exempts other runways and taxiways from stormwater utility fees if the savings are used to attract business to the airport.

This act becomes effective January 1, 2018, and applies to fees levied on or after that date.

## **H353 - Authorize State Park System Expansion. (SL 2017-177)**

S.L. 2017-177 authorizes the North Carolina State Parks System to accept the transfer of three properties as a State Natural Area and to preserve these lands as part of the State Parks System. The act also directs the Division of Parks and Recreation of the Department of Natural and Cultural Resources to study the feasibility and desirability of establishing a State Park on the Black River.

This act became effective July 25, 2017.

#### **H402 - Limit Env. Liability for Certain Recyclers. (SL 2017-163)**

#### **H637 - Clarify Regional Water and Sewer Funds. (SL 2017-17)**

S.L. 2017-17 provides additional flexibility for the use of funds previously appropriated for regional water and sewer projects in Rockingham and Guilford Counties.

This act became effective May 23, 2017.

#### **H740 - Search and Rescue Rename/Disputed County Boundaries/Mapping. (SL 2017-170)**

S.L. 2017-170 modernizes and updates statutes related to the urban search and rescue program and the North Carolina Geodetic Survey, including the following:

- Changes the name of the Urban Search and Rescue Program to the North Carolina Search and Rescue Program, and directs the Secretary of the Department of Public Safety to include reliance on memorandums of understanding and agreement with contract response teams in search and rescue efforts.
- Directs the North Carolina Geodetic Survey to assist counties in defining and reestablishing the location of an uncertain or disputed boundary, upon receiving written request from all counties adjacent to the uncertain or disputed boundary.
- Requires that maps, drawings, or documents identifying the protected mountain ridges be housed with the office of the North Carolina Geodetic Survey, NC Emergency Management, in Raleigh.

The section of the act pertaining to the search and rescue program became effective July 1, 2017. The sections of the act pertaining to the North Carolina Geodetic Survey became effective July 21, 2017.

#### **S107 - Streamline Dam Removal. (SL 2017-145)**

S.L. 2017-145 amends State law on dam removal to expedite the removal process under certain circumstances. This provision became effective July 1, 2017.

The act also directs the Department of Environmental Quality and the Department of Public Safety to study the dam removal process and recommend changes to reduce regulatory barriers to obsolete dam removal and consolidate permit processes. The report shall be submitted to the Environmental Review Commission by March 1, 2020. This provision became effective July 20, 2017.

## **S131 - Regulatory Reform Act of 2016-2017. (SL 2017-10)**

S.L. 2017-10 amends State laws related to the following:

### **S244 - Coastal Crescent Trail/State Parks System. (SL 2017-66)**

S.L. 2017-66 requires the Department of Natural and Cultural Resources to add the Coastal Crescent Trail to the Mountains-to-Sea State Park Trail unit of the State Parks System.

This act became effective June 28, 2017.

### **S257 - Appropriations Act of 2017.**

#### **Sec. 12.2: Supplemental Funding for Department of Agriculture and Consumer Services. (SL 2017-57)**

Sec. 12.2 of S.L. 2017-57 provides \$250,000 in additional funding to the Department of Agriculture and Consumer Services (DACS). DACS may spend the funds to participate in ongoing litigation challenging the United States Environmental Protection Agency's Waters of the United States rule issued in 2015. The provision also authorizes DACS to employ and supervise private counsel if it elects to participate in the litigation.

This section became effective July 1, 2017.

### **S257 - Appropriations Act of 2017.**

#### **Sec. 13.1: I&M Air Pollution Control Account. (SL 2017-57)**

Under current law (subsection (c) of G.S. 20-183.7), 65 cents of each motor vehicle emissions inspection fee is directed to the I&M Air Pollution Control Account (the Account) within the Department of Environmental Quality. Previously, the use of these funds was restricted to air quality programs related to mobile sources. Sec. 13.1 of S.L. 2017-257 broadens the allowable uses of funds from the Account to allow funding of any costs related to administration of the Department's air quality programs.

This section became effective July 1, 2017.

### **S257 - Appropriations Act of 2017.**

#### **Sec. 13.2: Volkswagen Settlement Funds. (SL 2017-57)**

Sec. 13.2 of S.L. 2017-57 directs the lead agency designated by the Governor to develop the Beneficiary Mitigation Plan mandated in the Volkswagen "clean diesel" litigation to consult with the Department of

Transportation, the Department of Commerce, and other interested State agencies, and submit the plan to the General Assembly. This section also provides that no funds may be expended under the plan until appropriated.

This section became effective July 1, 2017.

## **S257 - Appropriations Act of 2017.**

### **Sec. 13.4: Pre-Regulatory Landfill Assumption of Risk. (SL 2017-57)**

Section 13.4 of S.L. 2017-57 requires the Department of Environmental Quality (DEQ) to create a new program allowing owners of property containing a pre-1983 landfill to suspend application of DEQ's pre-1983 landfill program for as long as they own the property if the owner assumes liability for environmental impacts caused by the landfill and provides financial assurance for future impacts in an amount set by DEQ. The provision also provides an exception to the financial assurance requirements in cases where the property owner allowed the property to be used as a municipal landfill for a unit of local government and received no financial compensation for that use from the local government. The provision also requires periodic reporting by DEQ on its implementation of the program until DEQ issues a final guidance document or permanent rules for the new program.

This section became effective July 1, 2017.

## **S257 - Appropriations Act of 2017.**

### **Sec. 13.5: Study Solid Waste Disposal Tax. (SL 2017-57)**

Current law (Article 5G of Chapter 105) imposes a \$2.00 per ton tax on the disposal of municipal solid waste and construction and demolition debris in State-permitted landfills, and directs 87.5% of the proceeds to local government waste management programs and the State Inactive Hazardous Sites Cleanup Fund. Section 13.5 of S.L. 2017-57 directs the Environmental Review Commission (ERC) to study the tax, including the amount of revenue generated by the tax, the state and local programs funded, and the sites remediated and future work plan for the Inactive Hazardous Sites Cleanup program. The ERC is directed to present its report and recommendations to the 2018 Regular Session of the General Assembly upon its convening.

This section became effective July 1, 2017.

## **S257 - Appropriations Act of 2017.**

### **Sec. 13.6: Study Erosion and Sediment Control/NPDES Stormwater Merger. (SL 2017-57)**

Section 13.6 of S.L. 2017-57 directs the Department of Environmental Quality (DEQ) to study the budget and programmatic impacts of (i) abolishing the Sedimentation Control Commission and transferring its duties to the Environmental Management Commission; and (ii) combining DEQ's sedimentation and erosion control permitting program with the federally mandated NPDES stormwater permitting program. DEQ is directed to present its report to the Joint Legislative Oversight Committee on Agriculture and

Natural and Economic Resources and the chairs of the corresponding budget committees no later than April 1, 2018.

This section became effective July 1, 2017.

**S257 - Appropriations Act of 2017.**

**Sec. 13.7: Digital Data Study. (SL 2017-57)**

Section 13.7 of S.L. 2017-57 directs the North Carolina Policy Collaboratory at the University of North Carolina to (i) develop a proposal to identify, and collect digital data related to environmental and natural resource management, and (ii) evaluate the feasibility of creating a central, searchable, and publicly accessible database for this information. The provision also directs the Collaboratory to consult with the Department of Environmental Quality and the Department of Information Technology on the proposal, which must be presented to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources and the chairs of the corresponding budget committees no later than March 1, 2018.

This section became effective July 1, 2017.

**S257 - Appropriations Act of 2017.**

**Sec. 13.8: Study Acquisition of Dedicated Dredging Capacity. (SL 2017-57)**

Section 13.8 of S.L. 2017-57 directs the Department of Environmental Quality (DEQ) to study and make a recommendation regarding the acquisition of one or more dredges by the State, taking into consideration capital and operating costs, projected utilization, and opportunities to offset costs through sale of dredging services to other entities or shared ownership arrangements. DEQ is further directed to submit its report and any recommendations to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources and the chairs of the corresponding budget committees no later than April 1, 2018.

This section became effective July 1, 2017.

**S257 - Appropriations Act of 2017.**

**Sec. 13.12: Oyster Research Reporting. (SL 2017-57)**

The 2015 Appropriations Act (S.L. 2015-241) provided recurring funding to the University of North Carolina at Wilmington (UNCW) for research and development of oyster brood stock for aquaculture in North Carolina waters. Section 13.12 of S.L. 2017-57 directs UNCW and the Division of Marine Fisheries to report annually to the General Assembly no later than March 1 on the uses of the funding.

This section became effective July 1, 2017.

## **S257 - Appropriations Act of 2017.**

### **Sec. 13.13: Continue Research Support for Shellfish Industry. (SL 2017-57)**

Section 13.13 of S.L. 2017-57 includes the following:

- Designates the North Carolina Policy Collaboratory at the University of North Carolina at Chapel Hill (Collaboratory) as the entity to conduct the stakeholder process and study for the restoration of the shellfish industry required by the 2016 Appropriations Act and makes various technical changes to the study objectives and stakeholder group process.
- Directs the Collaboratory to prepare a Shellfish Mariculture Plan for the State that includes evaluation of best practices in other states and nations, analysis of siting strategies for shellfish mariculture operations, and recommendations for improvements to legal protections for mariculture operations, cultch planting, and strategies for control of shellfish pests.
- Further directs the Collaboratory, in consultation with various stakeholders, to develop conceptual plans and recommendations to promote the State's shellfish harvesting heritage, including the creation of a State Oyster Trail and a State Oyster Festival.

The Collaboratory is directed to present the plans and reports required by this provision to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources and the chairs of the corresponding budget committees no later than December 31, 2018 (note that S.L. 2017-197, Budget Technical Corrections, revised the Oyster Trail/Oyster Festival plan and recommendations reporting date to December 31, 2018).

This section became effective July 1, 2017.

## **S257 - Appropriations Act of 2017.**

### **Sec. 13.19: Underground Storage Tank Program Rule Making and Report. (SL 2017-57)**

The 2015 Appropriations Act (Section 14.16B of S.L. 2015-241) directed the Department of Environmental Quality (DEQ) to amend its underground storage tank (UST) regulations to no longer require soil remediation at low risk UST sites and to no longer require initial abatement or corrective action for a noncommercial UST until DEQ has classified the risk of that UST. Section 13.19 of S.L. 2017-57 directs DEQ to adopt temporary rules implementing the 2015 directive no later than October 1, 2017, and report to the chairs of the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources on its implementation of both directives no later than December 31, 2017.

This section became effective July 1, 2017.

## **S257 - Appropriations Act of 2017.**

### **Sec. 13.22: Water and Sewer Infrastructure Grants. (SL 2017-57)**

Section 13.22 of S.L. 2017-57 directly allocates \$7,175,000 of the appropriation for water and sewer grants in the 2017-2019 fiscal biennium to specific projects, project categories, and local governments, and includes an annual reporting requirement for the largest recipient of funds allocated by the provision.

Section 4.2 of S.L. 2017-197 (Budget Technical Corrections) amends the provision to remove the word "nonrecurring" in the first sentence.

This section became effective July 1, 2017.

**S257 - Appropriations Act of 2017.**

**Sec. 13.24: In Situ Nutrient Management Strategies. (SL 2017-57)**

The 2016 Appropriations Act (Section 14.13 of S.L. 2016-94) directed the Department of Environmental Quality (DEQ) to study in situ approaches to nutrient management in Falls Lake and Jordan Lake, and appropriated funds for a trial of in situ technology. Section 13.24 of S.L. 2017-57 revises the 2016 directive to (i) direct DEQ to begin sampling and testing activities to support the permitting of an in situ trial by September 1, 2017, (ii) remove from the study an assessment of whether in situ technologies are more cost effective than conventional nutrient management strategies, and (iii) change the reporting requirement for the trial to require an interim report on September 1 of any year in which the study and trial are ongoing, with a final report no later than December 31, 2020.

This section became effective July 1, 2017.

**S257 - Appropriations Act of 2017.**

**Sec. 13.25: On-Site Water Protection Branch Well Inspection Program Transfer Study. (SL 2017-57)**

Section 13.25 of S.L. 2017-57 directs the Department of Environmental Quality (DEQ) and the Department of Health and Human Services (DHHS), in consultation with a stakeholder group, to study the benefits of transferring the private well inspection and permitting programs from the Division of Public Health of DHHS to the Division of Water Resources of DEQ. The Departments are directed to submit the study and a recommendation regarding the transfer to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources, the Joint Legislative Oversight Committee on Health and Human Services, and the Environmental Review Commission no later than March 1, 2018.

This section became effective July 1, 2017.

**S257 - Appropriations Act of 2017.**

**Sec. 13.26: Department of Environmental Quality Reorganization Through Reduction. (SL 2017-57)**

Section 13.26 of S.L. 2017-57 directs the Office of State Human Resources to permit the Department of Environmental Quality (DEQ) to use the Reorganization through Reduction (RTR) program throughout the 2017-2019 biennium to achieve funding reductions imposed elsewhere in the bill. The RTR program was created by Part VIII of S.L. 2013-382 as a time-limited employee volunteer separation program to accomplish reorganization and restructuring needs in certain state agencies, but had been scheduled to sunset June 30, 2017 under existing law. Section 13.26 also directs DEQ to transfer the Utility Savings

Initiative from the Division of Environmental Assistance and Customer Service to the State Energy Office.

This section became effective July 1, 2017.

**S257 - Appropriations Act of 2017.**

**Sec. 13.27: Funding for Oyster Highway Project. (SL 2017-57)**

Sec. 13.27 of S.L. 2017-57 requires \$100,000 of the funds appropriated in the budget for oyster sanctuaries to be allocated to the North Carolina Wildlife Habitat Foundation for the Oyster Highway project on the New River in Onslow County. The Foundation must report to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources and the Fiscal Research Division on its use of the funds by September 1, 2018. This section became effective July 1, 2017.

**S257 - Appropriations Act of 2017.**

**Sec. 14.1: Various NER Agency Report Changes. (SL 2017-57)**

Section 14.1 of S.L. 2017-57 makes various changes to budget or funding reporting requirements in statute or session law for the Departments of Environmental Quality, Commerce, Natural and Cultural Resources, Labor, and Agriculture and the Tobacco Trust Fund Commission. The changes include changes to report recipients to reflect the creation of the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources as well as other technical and conforming revisions.

This section became effective July 1, 2017.

**S257 - Appropriations Act of 2017.**

**Sec. 14.3: Clarifying Changes to Department of Natural and Cultural Resources Funds. (SL 2017-57)**

State attractions managed by the Department of Natural and Cultural Resources, such as the State Zoo, various State museums, and the State Aquariums, have statutorily-created special funds to receive gifts, grants, receipts and other non-appropriated funds. Section 14.3 of S.L. 2017-57 makes various changes to the permitted uses of these funds and clarifications regarding transfers in and out of the funds. This Section also includes an exemption from the regular State surplus property disposition procedures for sales of exhibits, exhibit components, or other objects from the collections of the North Carolina Zoo budget when those dispositions are conducted in accordance with accrediting standards established by the American Association of Zoos and Aquariums.

This section became effective July 1, 2017.



## **S257 - Appropriations Act of 2017.**

### **Sec. 14.8: Abolish Roanoke Island Commission. (SL 2017-57)**

Section 14.8 of S.L. 2017-57 abolishes the Roanoke Island Commission, provides that the Commission's powers, assets, liabilities and contracts or agreements shall revert to the Department of Natural and Cultural Resources (DNCR) and directs DNCR to enter into a Memorandum of Agreement with the Roanoke Island Historical Association (an organization that previously advised DNCR regarding the Lost Colony outdoor drama) for the Association to manage and operate the Roanoke Island Festival Park and the Elizabeth II Historic Site and Visitors Center. The provision also includes the following:

- Revision to the membership of the Roanoke Island Historical Association Board to include appointments by the Governor and the General Assembly, as well as a temporary transition directive that the initial General Assembly appointments to the Association shall be the chair and vice-chair of the Roanoke Island Commission serving at the Commission's abolishment.
- Conforming changes to the statute governing the Historic Roanoke Island Fund to include as allowable uses of the Fund various duties of the Roanoke Island Commission.
- Authorization for DNCR to charge admission and activity fees at the Roanoke Island Festival Park.
- A directive to the DNCR to enter into the Memorandum of Agreement no later than January 15, 2018, and submit a copy of the Memorandum to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources.

This section became effective October 1, 2017.

## **S257 - Appropriations Act of 2017.**

### **Sec. 34.28A: Dredging Services Cost-Benefit Analysis. (SL 2017-57)**

Section 34.28A of S.L. 2017-57 requires the Department of Transportation (DOT) and the Department of Environmental Quality (DEQ) to jointly perform a cost-benefit analysis to compare State provided and private contractor provided dredging services. The analysis must identify:

- Cost savings.
- Time savings.
- Whether private contractors can support the dredging needs of the State.
- Potential contract structures to maximize benefit to the State.

DOT and DEQ must jointly submit findings and recommendations to the Joint Legislative Transportation Oversight Committee and the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources by February 1, 2018.

This section became effective July 1, 2017.

## **S257 - Appropriations Act of 2017.**

### **Sec. 34.37: Restore Mercury Switch Removal Funding. (SL 2017-57)**

Section 34.37 of S.L. 2017-57 requires the Division of Motor Vehicles of the Department of Transportation (DOT) to allocate 20¢ of each fee collected related to motor vehicle titling and registration to the Mercury Pollution Prevention Fund in the Department of Environmental Quality (DEQ).

This section became effective July 1, 2017 and expires June 30, 2021.

## **S257 - Appropriations Act of 2017.**

### **Sec. 34.43: State Park Roads/Increase Allowable Maintenance Costs. (SL 2017-57)**

Section 34.43 of S.L. 2017-57 requires the Department of Transportation (DOT) to spend \$750,000 in nonrecurring funds, for the 2017-2018 fiscal year, on road maintenance in State parks administered by the Division of Parks and Recreation (DPR) of the Department of Natural and Cultural Resources, and to jointly develop a five-year capital plan to address State park road maintenance needs with DPR.

DOT and DPR must submit this capital plan to the Joint Legislative Transportation Oversight Committee on Agriculture and Natural and Economic Resources by February 15, 2018.

This section became effective July 1, 2017.

## **S410 - Marine Aquaculture Development Act. (SL 2017-190)**

S.L. 2017-190 establishes a State marine aquaculture program with marine aquaculture leases. The new leasing program becomes effective October 1, 2017. The remainder of the act became effective July 27, 2017.

## **S545 - State Nature and Historic Preserve Adds/Dels. (SL 2017-113)**

S.L. 2017-113 removes several parcels from the State Nature and Historic Preserve (Preserve). This act became effective July 12, 2017.