

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 802*

Environment and Natural Resources Committee Substitute Adopted 5/2/91

Short Title: Env. Tech. Corrections.

(Public)

Sponsors:

Referred to:

April 24, 1991

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL
3 AMENDMENTS TO VARIOUS LAWS RELATING TO ENVIRONMENT,
4 HEALTH, AND NATURAL RESOURCES.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 74-53(3) reads as rewritten:

7 "(3) ~~In open cast~~ At open pit mining operations, all overburden and spoil
8 shall be left in a configuration which is in accordance with accepted
9 conservation practices and which is suitable for the proposed
10 subsequent use of the land."

11 Sec. 2. G.S. 104E-8(c)(6) reads as rewritten:

12 "(6) The Division of Radiation Protection of the ~~Department~~ [of
13 ~~Environment, Health, and Natural Resources~~]; Department."

14 Sec. 3. G.S. 104E-8(g) reads as rewritten:

15 "(g) All clerical and other services required by the Commission shall be supplied
16 by the ~~Secretary of Environment, Health, and Natural Resources~~ Secretary."

17 Sec. 4. G.S. 115C-323 is amended by deleting the phrase "Secretary of
18 Human Resources" and substituting "Secretary of Environment, Health, and Natural
19 Resources".

20 Sec. 5. G.S. 120-70.33(3) reads as rewritten:

21 "(3) To evaluate actions of the Governor's Waste Management Board, the
22 Radiation Protection Commission, and the ~~Radiation Protection Section~~
23 of the Department of Human Resources, Division of Radiation Protection

1 of the Department of Environment, Health, and Natural Resources, and
2 of any other board, commission, department, or agency of the State or
3 local government as such actions relate to low-level radioactive waste
4 management;"

5 Sec. 6. G.S. 130A-11 reads as rewritten:

6 **"§ 130A-11. Residencies in public health.**

7 The Department shall establish a residency program designed to attract physicians
8 and dentists into the field of public health and to train them in the specialty of public
9 health practice. The program shall include practical experience in public health
10 principles and practices."

11 Sec. 7. G.S. 130A-290(b) is amended by deleting the citation "G.S.130A-
12 309.17" and substituting "G.S. 130A-309.24".

13 Sec. 8. G.S. 130A-310.5(c) reads as rewritten:

14 "(c) The cost of any action by the Secretary pursuant to this section may be paid
15 from the Inactive Hazardous Sites Cleanup Fund, or the ~~Emergency Hazardous Waste Site~~
16 ~~Remedial Fund~~ [Emergency Response Fund] Emergency Response Fund established
17 pursuant to G.S. 130A-306, subject to a later action for reimbursement pursuant to G.S.
18 130A-310.7."

19 Sec. 9. G.S. 143-214.5(g) reads as rewritten:

20 "(g) Civil Penalties. – A local government which fails to adopt a local water
21 supply watershed protection program as required by this section shall be subject to a
22 civil penalty pursuant to G.S. ~~143-215.6(a)(5)~~ 143-215.6A(e). In any area of the State
23 which is not covered by an approved local water supply watershed protection program,
24 any person who violates or fails to act in accordance with any statewide minimum
25 management requirement established pursuant to this section shall be subject to a civil
26 penalty as specified in G.S. ~~143-215.6(a)(1)g~~ 143-215.6A(a)(7)."

27 Sec. 10. G.S. 143-215.36(b)(4) reads as rewritten:

28 "(4) ~~If the person assessed fails to pay the amount of the assessment to the~~
29 ~~Department within 30 days after receipt of notice, the Commission~~
30 ~~may request the Attorney General to institute a civil action in the~~
31 ~~superior court of the county or counties in which the person assessed~~
32 ~~resides or has his or its principal place of business, to recover the~~
33 ~~amount of the assessment.~~—The Secretary shall notify any person
34 assessed a civil penalty of the assessment and the specific reasons
35 therefor by registered or certified mail, or by any means authorized by
36 G.S. 1A-1, Rule 4. Contested case petitions shall be filed within 30
37 days of receipt of the notice of assessment."

38 Sec. 11. G.S. 143-215.36(b)(7) reads as rewritten:

39 "(7) The Secretary may delegate his powers and duties under this section to
40 the Director of the Division of ~~Environmental Management~~ Land
41 Resources of the Department."

42 Sec. 12. G.S. 143-215.45 reads as rewritten:

43 **"§ 143-215.45. Transfer of right of withdrawal.**

1 A person with a right of withdrawal may assign or transfer it in whole or in part to
2 another, subject to those rights of reassignment or transfer by the State specified in G.S.
3 ~~143-354(11)~~. 143-354(a)(11). A person who has a right of withdrawal of excess volume
4 of water by virtue of an assignment or transfer has an interest in water superior to other
5 interests only to the extent that his withdrawal is in accordance with the terms of the
6 assignment or transfer."

7 Sec. 13. G.S. 143-215.94EE(b) reads as rewritten:

8 "(b) Any unexplained discharge of oil, natural gas or drilling wastes occurring in
9 waters beyond the jurisdiction of the State that for any reason penetrates within State
10 jurisdiction shall be removed by or under the direction of the Department. Except for
11 any expenses incurred by the responsible person, should such person become known, all
12 expenses incurred in the removal of such discharges shall be paid promptly by the State
13 from the ~~'Oil and Oil or Other Hazardous Substances Pollution Protection Fund'~~ Fund
14 established pursuant to G.S. 143-215.87 or from any other available sources. In the case
15 of unexplained discharges, the matter shall be referred by the Secretary to the North
16 Carolina Attorney General for collection of damages pursuant to G.S. 143-215.94FF of
17 this Part. At his discretion, the Attorney General may refer the matter to the State
18 Bureau of Investigation or other appropriate State or federal authority to determine the
19 identity of the responsible person."

20 Sec. 14. G.S. 143-215.94II(d) reads as rewritten:

21 "(d) In addition to the powers enumerated in G.S. 14-288.15, in the case of such
22 an emergency described in subsection (a) of this section, the Governor is further
23 authorized and empowered to transfer any funds available to him by statute for
24 emergency use into the ~~'Oil and Oil or Other Hazardous Substances Pollution Protection~~
25 ~~Fund'~~ Fund created pursuant to G.S. 143-215.87, to be utilized for the purposes specified
26 therein."

27 Sec. 15. (a) G.S.143-350 reads as rewritten:

28 **"§ 143-350. Definitions.**

29 ~~Definitions as As~~ used in this Article:

30 (1) ~~'Environmental Management Commission'~~ 'Commission' means the
31 Environmental Management ~~Commission created by G.S. 143B-282.~~
32 Commission.

33 (2) 'Department' means the Department of Environment, Health, and
34 ~~Natural Resources created by G.S. 143-212.~~ Resources."

35 (b) The Revisor of Statutes shall delete the phrase "Environmental Management
36 Commission" wherever it occurs in Article 38 of Chapter 143 of the General Statutes
37 and substitute the word "Commission".

38 Sec. 16. (a) The first sentence of Section 31 of Chapter 1004 of the 1989
39 Session Laws (1990 Regular Session) is amended by deleting "143-279.3" and
40 substituting "143B-279.3".

41 (b) G.S. 143B-279.3(b)(18), as amended by Section 31 of Chapter 1004 of the
42 1989 Session Laws (1990 Regular Session) and subsection (a) of this section, is
43 amended by inserting the word "Heritage" between the word "Natural" and the word
44 "Trust".

1 (c) Sections 223, 224, 226, and 227 of Chapter 727 of the 1989 Session Laws
2 apply to this section and to G.S. 143B-279.3, as amended by Section 31 of Chapter
3 1004 of the 1989 Session Laws (1990 Regular Session) and this section.

4 (d) This section is effective on and after 1 July 1989.

5 Sec. 17. G.S. 143B-285.11(4) reads as rewritten:

6 "(4) 'Hazardous waste ~~landfill~~-disposal facility' has the same meaning as in
7 G.S. 130A-290."

8 Sec. 18. G.S. 153A-299.4 reads as rewritten:

9 "**§ 153A-299.4. Approval by Department of ~~Human~~-Environment, Health, and**
10 **Natural Resources.**

11 The Department of ~~Human~~-Environment, Health, and Natural Resources must
12 approve all contracts entered into pursuant to this Part before such contract may become
13 effective."

14 Sec. 19. Except as otherwise provided herein, this act is effective upon
15 ratification.