

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1997**

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HOUSE BILL 238\*  
Committee Substitute Favorable 3/11/97

Short Title: Facilitate Animal Waste Mgt. Research.

(Public)

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Sponsors:

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Referred to:

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February 17, 1997

A BILL TO BE ENTITLED

1 AN ACT TO ENCOURAGE OWNERS AND OPERATORS OF ANIMAL WASTE  
2 MANAGEMENT SYSTEMS TO PARTICIPATE IN CERTAIN RESEARCH  
3 STUDIES DIRECTED BY THE GENERAL ASSEMBLY BY LIMITING  
4 ENFORCEMENT ACTIONS FOR UNINTENTIONAL AND NONNEGLIGENT  
5 VIOLATIONS OF WATER QUALITY STANDARDS THAT ARE IDENTIFIED IN  
6 THE COURSE OF THOSE RESEARCH STUDIES AND TO CLARIFY THE  
7 REPORTING DATES FOR THOSE RESEARCH STUDIES, AS RECOMMENDED  
8 BY THE ENVIRONMENTAL REVIEW COMMISSION.  
9

10 The General Assembly of North Carolina enacts:

11 Section 1. The Department of Environment, Health, and Natural Resources  
12 shall not take any enforcement action against any person for any unintentional and  
13 nonnegligent violation of water quality standards that are identified in the course of any  
14 of the research studies directed by Sections 27.3 (odor control technology), 27.7  
15 (groundwater impacts of lagoons), 27.9 (atmospheric deposition of nitrogen in the Neuse  
16 Estuary), 27.32(b) (sources of nitrogen through isotope markers and other topics), and  
17 27.35 (alternative animal waste technologies) of Chapter 18 of the 1995 Session Laws  
18 (Second Extra Session). This section shall not be construed to limit an enforcement  
19 action for any negligent or intentional act or for any violation that poses an immediate

1 threat to public health or the environment. This section shall not be construed to relieve  
2 any person from any duty otherwise imposed by law to take remedial or corrective action  
3 to correct the violation.

4         Section 2. Notwithstanding the provisions of G.S. 143-215.10E(a), an  
5 employee of a State agency or unit of local government who identifies an unintentional or  
6 nonnegligent violation listed in subdivisions (1) through (4) of G.S. 143-215.10E(a) that  
7 is identified in the course of any of the research studies listed in Section 1 of this act shall  
8 not report the violation to the Division of Water Quality of the Department of  
9 Environment, Health, and Natural Resources unless the violation poses an immediate  
10 threat to public health or the environment.

11         Section 3. The Primary Investigator or Researcher for each of the research  
12 studies listed in Section 1 of this act shall report to the Environmental Review  
13 Commission on the progress of the research study and on any preliminary results of the  
14 research study on 1 January and 1 July of each year, beginning 1 July 1997, until the  
15 research study is concluded. The Primary Investigator shall make a final report,  
16 including final results and any recommendations, to the Environmental Review  
17 Commission at the conclusion of the research study.

18         Section 4. This act is effective when it becomes law.