

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

**SESSION LAW 2007-495
SENATE BILL 844**

AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO PROVIDE THAT: (1) AN APPLICATION FOR A CONSTRUCTION PERMIT FOR A PRIVATE DRINKING WATER WELL THAT IS TO BE LOCATED ON A SITE ON WHICH A WASTEWATER SYSTEM IS LOCATED MAY BE ACCOMPANIED BY A SITE PLAN RATHER THAN A PLAT; (2) PROOF OF COMPLETION OF ANY REQUIRED PROFESSIONAL DEVELOPMENT IS REQUIRED FOR RENEWAL OF A WELL CONTRACTOR CERTIFICATE; (3) THE TRANSPLANT OF SEED CLAMS AND SEED OYSTERS OF A CERTAIN SIZE THAT ORIGINATE FROM AN AQUACULTURE OPERATION PERMITTED BY THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES IS LAWFUL; (4) MEMBERS OF THE ADVISORY COMMISSION FOR THE NORTH CAROLINA STATE MUSEUM OF NATURAL SCIENCES SHALL SERVE FOUR-YEAR STAGGERED TERMS; (5) TO EXTEND THE EXEMPTION FOR CERTAIN WELL CONTRACTORS FROM CONTINUING EDUCATION REQUIREMENTS FOR TWO YEARS; (6) DRAFT FISHERY MANAGEMENT PLANS ARE NOT SUBMITTED FOR REVIEW TO THE ENVIRONMENTAL REVIEW COMMISSION; (7) TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT AND NATURAL RESOURCES; AND (8) TO AMEND OR REPEAL VARIOUS ENVIRONMENTAL REPORTING REQUIREMENTS.

The General Assembly of North Carolina enacts:

PART I. AMEND ENVIRONMENTAL LAWS.

SECTION 1. G.S. 87-97(d) reads as rewritten:

"(d) Well Site Evaluation. – The local health department shall conduct a field investigation to evaluate the site on which a private drinking water well is proposed to be located before issuing a permit pursuant to this section. The field investigation shall determine whether there is any abandoned well located on the site, and if so, the construction permit shall be conditioned upon the proper closure of all abandoned wells located on the site in accordance with the requirements of this Article and rules adopted pursuant to this Article. If a private drinking water well is proposed to be located on a site on which a wastewater system subject to the requirements of Article 11 of Chapter 130A of the General Statutes is located or proposed to be located, the application for a construction permit shall be accompanied by a ~~plat~~, plat or site plan, as defined in G.S. 130A-334."

SECTION 2. G.S. 87-98.7(b) reads as rewritten:

"(b) Renewal. – A certificate shall be renewed annually by payment of the annual fee and proof that the applicant has completed any professional development hours as may be required by the rules of the Commission. A person who fails to renew a certificate within 30 days of the expiration of the certificate must reapply for certification under this Article."

SECTION 3. G.S. 113-203 is amended by adding a new subsection to read:

"(a1) It is lawful to transplant seed clams less than 12 millimeters in their largest dimension and seed oysters less than 25 millimeters in their largest dimension and when the seed clams and seed oysters originate from an aquaculture operation permitted by the Secretary."

SECTION 4.(a) G.S. 143B-344.18 reads as rewritten:

"Part 29. Advisory Commission for North Carolina State Museum of Natural Sciences.

"§ 143B-344.18. Commission created; membership.

There is created an Advisory Commission for the North Carolina State Museum of Natural Sciences which shall determine its own organization. It shall consist of at least nine members, which shall include the Director of the North Carolina State Museum of Natural Sciences, the Commissioner of Agriculture, the State Geologist and Secretary of Environment and Natural Resources, the Director of the Institute of Fisheries Research of the University of North Carolina, the Director of the Wildlife Resources Commission, the Superintendent of Public Instruction, or qualified representative of any or all of the above-named members, and at least three persons representing the East, the Piedmont, and the Western areas of the State. Members appointed by the Governor shall serve for ~~terms of two years with the first appointments to be made effective September 1, 1961.~~four-year staggered terms. Terms shall begin on 1 September. Members appointed by the Governor shall not serve more than three consecutive four-year terms. Any member may be removed by the Governor for cause."

SECTION 4.(b) In order to provide four-year staggered terms for members of the Advisory Commission for the North Carolina State Museum of Natural Sciences, the Governor shall, at the Governor's discretion, extend the terms for those appointees whose terms shall expire on 31 August 2007 to 31 August 2009 and extend the terms for those appointees whose terms shall expire on 31 August 2008 to 31 August 2010. The three-term limitation provision set out in G.S. 143B-344.18, as amended by subsection (a) of this section, shall not apply to persons who are members of the Advisory Commission for the North Carolina State Museum of Natural Sciences at the time this act becomes law.

SECTION 5. Section 5 of S.L. 2001-440 reads as rewritten:

"SECTION 5. This act is effective when it becomes law. Section 1.3 of this act expires 1 September ~~2008~~2010."

PART II. AMEND NATURAL RESOURCES LAWS.

SECTION 6. G.S. 113-182.1(c1) reads as rewritten:

"(c1) The Department shall consult with the regional advisory committees established pursuant to G.S. 143B-289.57(e) regarding the preparation of each Fishery Management Plan. Before submission of a plan for review by the Joint Legislative Commission on Seafood and Aquaculture ~~or the Environmental Review Commission,~~ the Department shall review any comment or recommendation regarding the plan that a regional advisory committee submits to the Department within the time limits established in the Schedule for the development and adoption of Fishery Management Plans established by G.S. 143B-289.52. The Commission shall consult with the regional advisory committees regarding the development of any temporary management measure that the Commission determines to be necessary to ensure the viability of the species or fishery while the plan is being developed and regarding the development of any management measure to implement the plan. Before the Commission adopts a temporary management measure or a management measure to implement a plan, the Commission shall review any comment or recommendation regarding the management measure that a regional advisory committee submits to the Commission."

SECTION 7. G.S. 113-182.1(e) reads as rewritten:

"(e) The Secretary of Environment and Natural Resources shall monitor progress in the development and adoption of Fishery Management Plans in relation to the Schedule for development and adoption of the plans established by the Marine Fisheries

Commission. The Secretary of Environment and Natural Resources shall report to the Joint Legislative Commission on Seafood and Aquaculture on progress in developing and implementing the Fishery Management Plans on or before 1 September of each year. The Secretary of Environment and Natural Resources shall report to the Joint Legislative Commission on Seafood and Aquaculture within 30 days of the completion or substantial revision of each proposed Fishery Management Plan. The Joint Legislative Commission on Seafood and Aquaculture shall ~~concurrently~~ review each proposed Fishery Management Plan within 30 days of the date the proposed Plan is submitted by the Secretary. The Joint Legislative Commission on Seafood and Aquaculture may submit comments and recommendations on the proposed Plan to the Secretary within 30 days of the date the proposed Plan is submitted by the Secretary."

PART III. TECHNICAL CORRECTIONS.

SECTION 8. G.S. 58-37-1 reads as rewritten:

"§ 58-37-1. Definitions.

As used in this Article:

- ..
- (7) "Motor vehicle insurance" means direct insurance against liability arising out of the ownership, operation, maintenance or use of a motor vehicle for bodily injury including death and property damage and includes medical payments and uninsured and underinsured motorist coverages.

With respect to motor carriers who are subject to the financial responsibility requirements established under the Motor Carrier Act of 1980, the term, "motor vehicle insurance" includes coverage with respect to environmental restoration. As used in this subsection the term, "environmental restoration" means restitution for the loss, damage, or destruction of natural resources arising out of the accidental discharge, dispersal, release, or escape into or upon the land, atmosphere, ~~water course~~ watercourse, or body of water of any commodity transported by a motor carrier. Environmental restoration includes the cost of removal and the cost of necessary measures taken to minimize or mitigate damage to human health, the natural environment, fish, shellfish, and wildlife.

..

SECTION 9. G.S. 104E-6.1 reads as rewritten:

"§ 104E-6.1. Conveyance of land used for low-level radioactive waste disposal facility to State.

(a) No land may be used as a low-level radioactive waste disposal facility until fee simple title to the land has been conveyed to the State of North Carolina. In consideration for such conveyance, the State shall enter into a lease agreement with the grantor for a term equal to the estimated life of the facility in which the State will be the lessor and the grantor the lessee. Such lease agreement shall specify that for an annual rent of fifty dollars (\$50.00), the lessee shall be allowed to use the land for the development and operation of a low-level radioactive waste disposal facility. Such lease agreement shall provide that the lessor or any person authorized by the lessor shall have at all times the right to enter without a search warrant or permission of the lessee upon any and all parts of the premises for monitoring, inspection and all other purposes necessary to carry out the provisions of Chapter 104E. The lessee shall remain fully liable for all damages, losses, personal injury or property damage which may result or arise out of the lessee's operation of the facility, and for compliance with regulatory requirements concerning insurance, bonding for closure and post-closure costs, monitoring and other financial or health and safety requirements as required by applicable law and regulations. The State, as lessor, shall be immune from liability

except as otherwise provided by statute. The lease shall be transferrable with the written consent of the lessor, which consent will not be unreasonably withheld. In the case of such a transfer of the lease, the transferee shall be subject to all terms and conditions that the State deems necessary to ensure compliance with applicable laws and regulations. If the lessee or any successor in interest fails in any material respect to comply with any applicable law, regulation, or ~~permit-license~~ condition, or with any term or condition of the lease, the State may terminate the lease after giving the lessee written notice specifically describing the failure to comply and upon providing the lessee a reasonable time to comply. If the lessee does not effect compliance within the reasonable time allowed, the State may reenter and take possession of the premises.

(b) Notwithstanding the termination of the lease by either the lessee or the lessor for any reason, the lessee shall remain liable for, and be obligated to perform all acts necessary or required by law, regulation, ~~permit-license~~ conditions or the lease for the permanent closure of the site until the site has either been permanently closed or until a substitute operator has been secured and assumed the obligations of the lessee.

(c) In the event of changes in laws or regulations applicable to the facility which make continued operation by the lessee impossible or economically infeasible, the lessee shall have the right to terminate the lease upon giving the State reasonable notice of not less than six months, in which case the lessor shall have the right to secure a substitute lessee and operator.

(d) In the event of termination of the lease by the lessor as provided in subsection (a) of this section, or by the lessee as provided in subsection (c) of this section, the lessee shall be paid the fair market value of any improvements made to the leased premises less the costs to the lessor resulting from termination of the lease and securing a substituted lessee and operator; provided, that the lessor shall have no obligation to secure a substitute lessee or operator and may require the lessee to permanently close the facility."

SECTION 10. G.S. 104E-10.1 reads as rewritten:

"§ 104E-10.1. Additional requirements for low-level radioactive waste facilities.

(a) An applicant for a ~~permit-license~~ for a low-level radioactive facility shall satisfy the ~~department-Department~~ that:

- (1) Any low-level radioactive waste facility heretofore constructed or operated by the applicant (or any parent or subsidiary corporation if the applicant is a corporation) has been operated in accordance with sound waste management practices and in substantial compliance with federal and state laws and regulations; and
- (2) The applicant (or any parent or subsidiary corporation if the applicant is a corporation) is financially qualified to operate the subject low-level radioactive waste facility.

(a1) The approval of a ~~permit-license~~ shall be contingent upon the applicant first satisfying the ~~department-Department~~ that ~~he-the applicant~~ has met the above two requirements. In order to continue to hold a license under this Chapter, a licensee must remain financially qualified, and must provide any information requested by the Department to show that ~~he-the licensee~~ continues to be financially qualified.

(b) Each ~~permit-license~~ applicant or ~~permit-license~~ holder (~~or-or any parent or subsidiary corporation if the permit-license applicant or permit-license holder is a corporation~~), ~~corporation~~, as a condition of receiving or holding a ~~permit-license~~, shall have an independent annual audit by a firm of duly licensed certified public accountants carrying a minimum of five million dollars (\$5,000,000) professional liability insurance coverage, proof of which coverage shall be provided with the issuance of the audit report. Each ~~permit-license~~ applicant or ~~permit-license~~ holder referred to above shall also provide the Department of Environment and Natural Resources with a copy of the report and shall submit a copy of the report to the State Auditor for approval regarding its adequacy and completeness. As a minimum, the required report shall include the financial statements prepared in accordance with generally accepted accounting

principles, all disclosures in the public interest required by law, and the auditor's opinion and comments relating to the financial statements. The audit shall be performed in conformity with generally accepted auditing standards.

(c) Within 10 days of receiving an application for a license or an amendment to a license to operate a low-level radioactive waste facility, the Department shall notify the clerk of the board of commissioners of the county or counties in which the facility is proposed to be located or is located, and, if the facility is to be located or is located within a city, the clerk of the governing board of the city, that the application has been filed, and shall file a copy of the application with the clerk. Prior to issuing a license or an amendment to an existing license the Secretary ~~of the Department~~ or his ~~the~~ Secretary's designee shall conduct a public hearing in the county, or in one of the counties, in which a person proposes to operate a low-level radioactive waste facility or to enlarge an existing facility. The Secretary shall give notice of the hearing at least 30 days prior to the date thereof by:

- (1) Publication in a newspaper or newspapers having general circulation in the county or counties where the facility is to be located for three consecutive weeks beginning 30 days prior to the scheduled date of the hearing; and
- (2) First class mail to persons who have requested such notice. The Department shall maintain a mailing list of persons who request notice pursuant to this subsection."

SECTION 11. G.S. 120-70.36 reads as rewritten:

"§ 120-70.36. Staffing.

The Legislative Services Officer shall assign as staff to the Joint Select Committee professional employees of the General Assembly, as approved by the Legislative Services Commission. Clerical staff shall be assigned to the Joint Select Committee through the offices of the ~~Supervisor of Clerks of the Senate and Supervisor of Clerks of the House of Representatives~~ Directors of Legislative Assistants of the Senate and House of Representatives. The expenses of employment of clerical staff shall be borne by the Joint Select Committee."

SECTION 12. G.S. 120-70.46 reads as rewritten:

"§ 120-70.46. Staffing.

The Legislative Services Officer shall assign as staff to the Environmental Review Commission professional employees of the General Assembly, as approved by the Legislative Services Commission. Clerical staff shall be assigned to the Environmental Review Commission through the offices of the ~~Supervisor of Clerks of the Senate and Supervisor of Clerks of the House of Representatives~~ Directors of the Legislative Assistants of the Senate and House of Representatives. The expenses of employment of clerical staff shall be borne by the Environmental Review Commission."

SECTION 13. G.S. 120-70.65 reads as rewritten:

"§ 120-70.65. Staffing.

The Legislative Services Officer shall assign as staff to the Commission professional employees of the General Assembly, as approved by the Legislative Services Commission. Clerical staff shall be assigned to the Commission through the ~~Offices of the Supervisor of Clerks of the Senate and Supervisor of Clerks of the House of Representatives~~ offices of the Directors of Legislative Assistants of the Senate and House of Representatives. The expenses of employment of clerical staff shall be borne by the Commission."

SECTION 14. G.S. 130A-294(f) reads as rewritten:

"(f) Within 10 days of receiving an application for a permit or for an amendment to an existing permit for a hazardous waste facility, the Department shall notify the clerk of the board of commissioners of the county or counties in which the facility is proposed to be located or is located and, if the facility is proposed to be located or is located within a city, the clerk of the governing board of the city, that the application has been filed, and shall file a copy of the application with the clerk. Prior to the

issuance of a permit or an amendment of an existing permit the Secretary or ~~his~~the Secretary's designee shall conduct a public hearing in the county, or in one of the counties in which the hazardous waste facility is proposed to be located or is located. The Secretary or ~~his~~the Secretary's designee shall give notice of the hearing, and the public hearing shall be in accordance with applicable federal regulations adopted pursuant to RCRA and with Chapter 150B of the General Statutes. Where the provisions of the federal regulations and Chapter 150B of the General Statutes are inconsistent, the federal regulations shall apply."

SECTION 15.(a) G.S. 130A-295.01(g), as enacted by Section 1.7 of S.L. 2007-107, is recodified as G.S. 130A-295.01(c).

SECTION 15.(b) G.S. 130A-295.01(c), as enacted by Section 1.3 of S.L. 2007-107, is recodified as G.S. 130A-295.01(d).

SECTION 15.(c) Subsections (d), (e), (f), and (g) of G.S. 130A-295.01, as enacted by Section 1.4 of S.L. 2007-107, read as rewritten:

~~"(d)(e)~~

(1) Within 10 days of filing an application for a permit for a commercial hazardous waste facility, the applicant shall notify every person who resides or owns property located within one-fourth mile of any property boundary of the facility that the application has been filed. The notice shall be by mail to residents and by certified mail to property owners, or by any other means approved by the Department, shall be in a form approved by the Department, and shall include all of the following:

~~(1)~~a. The location of the facility.

~~(2)~~b. A description of the facility.

~~(3)~~c. The hazardous and nonhazardous wastes that are to be received and processed at the facility.

~~(4)~~d. A description of the emergency response plan for the facility.

~~(e)~~(2) The permit holder for a commercial hazardous waste facility shall publish a notice that includes the information set out in ~~subsection (d)~~subdivision (1) of this ~~section~~subsection annually beginning one year after the permit is issued. The notice shall be published in a form and manner approved by the Department in a newspaper of general circulation in the community where the facility is located.

~~(f)~~(3) The permit holder for a commercial hazardous waste facility shall provide the information set out in ~~subdivisions (1) through (4)~~subdivision (1) of ~~this subsection (d)~~this subsection by mail to the persons described in ~~subdivision (1) of this subsection (d)~~subdivision (1) of this subsection at the midpoint of the period for which the permit is issued.

~~(g)~~(4) Each commercial hazardous waste facility applicant and permit holder shall provide documentation to demonstrate to the Department that the requirements set out in ~~subsections (d) through (f) of this section~~subdivisions (1), (2), and (3) of this subsection have been met."

SECTION 15.(d) G.S. 130A-295.01(e), as enacted by Section 1.5 of S.L. 2007-107, is recodified as G.S. 130A-295.01(f).

SECTION 15.(e) G.S. 130A-295.01(f), as enacted by Section 1.6 of S.L. 2007-107, is recodified as G.S. 130A-295.01(g).

SECTION 15.(f) Subdivisions (6) and (7) of subsection (f) of Section 4.1 of S.L. 2007-107 read as rewritten:

(6) Review the sprinkler requirements ~~for Hazardous Materials Facilities (Section 903.2.4)~~under Section 903.2.4 of the State Building Code for facilities used to collect, store, process, treat, recycle, recover, or dispose of hazardous substance, as defined in 29 Code of Federal Regulations § 1910.120(a)(3) (1 July 2006 Edition), and determine whether sprinkler design criteria and coverage should be amended.

- (7) Review the fire alarm requirements for ~~Hazardous Materials Facilities (Section 907.2.5)~~ under Section 903.2.4 of the State Building Code and determine whether the ~~relevant facilities used to collect, store, process, treat, recycle, recover, or dispose of hazardous substance, as defined in 29 Code of Federal Regulations § 1910.120(a)(3) (1 July 2006 Edition)~~, should have a full fire alarm system or, in the alternative, full staffing as recommended by the Department of Environment and Natural Resources. If the Task Force determines that relevant facilities should have full staffing, the Task Force shall recommend the level of knowledge and training that should be required of the staff."

SECTION 16. G.S. 139-41.2(b) reads as rewritten:

"(b) The Soil and Water Conservation Commission shall approve a watershed work plan if, in its judgment, it:

- (1) Provides for proper and safe construction of proposed works of improvement;
- (2) Shows that the construction and operation of the proposed works of improvement (in conjunction with other such works and related structures of the district and the watershed) will not appreciably diminish the flow of useful water that would otherwise be available to existing downstream water users during critical periods;
- (3) Determines whether a program of ~~flood plain~~floodplain management in connection with such proposed works is in the public interest, and the Soil and Water Conservation Commission may withhold approval until satisfactory ~~flood plain~~floodplain management measures are incorporated; and
- (4) Is otherwise in compliance with law."

SECTION 17. G.S. 139-55 reads as rewritten:

"§ 139-55. Review of applications.

(a) The State Soil and Water Conservation Commission shall receive and review applications for grants for small watershed projects authorized under Public Law 566 (83rd Congress, as amended) and approve, approve in part, or disapprove all such applications.

(b) In reviewing each application, the State Soil and Water Conservation Commission shall consider:

- (1) The financial resources of the local sponsoring organization;
- (2) Nonstructural measures such as sedimentation control ordinances and ~~flood plain~~floodplain zoning ordinances enacted and enforced by local governments to alleviate flooding;
- (3) Regional benefits of projects to an area greater than the area under jurisdiction of the local sponsoring organization;
- (4) Any direct benefit to State-owned lands and properties."

SECTION 18. G.S. 143-215.74 reads as rewritten:

"§ 143-215.74. Agriculture cost share program.

(a) There is created the Agriculture Cost Share Program for Nonpoint Source Pollution Control. The program shall be created, implemented, and supervised by the Soil and Water Conservation Commission.

(b) The program shall be subject to the following requirements and limitations:

- (1) The purpose of the program shall be to reduce the input of agricultural nonpoint source pollution into the ~~water courses~~watercourses of the State.
- (2) The program shall initially include the present 16 nutrient sensitive watershed counties and 17 additional counties.

"

SECTION 19. G.S. 160A-479.7(a) reads as rewritten:

"(a) The charter may confer on the regional sports authority any or all of the following powers:

- ...
- (16) To study and plan for new and improved major regional sports and recreational facilities including but not limited to arenas, stadia, gymnasia, natatoria, pitches, fields, ~~water courses~~watercourses, and other areas for the conduct of sports and recreational activities. These facilities should be of such sizes and in such locations that they will be adequate to serve the population of the entire jurisdiction of the authority (and beyond) to the extent possible;
- "

....

SECTION 20. Section 12.7(d) of S.L. 2006-66 reads as rewritten:

"DEPARTMENT OF COMMERCE/REPORT ON AGRIBUSINESS FUNDS

SECTION 12.7.(d) The Department shall submit the report to the House Appropriations ~~Committee~~ Subcommittee on Environment, Health, and Natural and Economic Resources, the Senate Appropriations Committee on Natural and Economic Resources, and the Fiscal Research Division no later than May 1, 2007."

SECTION 21. Section 2 of S.L. 2006-139 reads as rewritten:

"SECTION 2. The Commissioner of Agriculture shall file a report no later than 31 March of each year with the Chairs of the House of Representatives Appropriations Subcommittee on Natural and Economic Resources and Senate Appropriations ~~Subcommittees~~ Committee on Natural and Economic Resources, the Chair of the House of Representatives Agriculture Committee, and the Chair of the Senate Committee on Agriculture, Environment, and Natural Resources which shall include the following:

- (1) The short- and long-term problems associated with maintaining a viable dairy industry in the State.
- (2) Ways to sustain the existing dairy industry in the State.
- (3) Opportunities to expand the dairy industry, including attracting both new dairy producers and new processors to the State.
- (4) The contribution of dairy farms to the maintenance of prime agricultural land and the quality of life in the State.
- (5) An analysis of the effectiveness of the Dairy Stabilization and Growth Program in achieving the goals of maintaining a local supply of fresh milk for processing and consumption, facilitating the entry of young farmers into the dairy industry, and preserving green space along the urban fringe.
- (6) Other factors that impact the dairy industry in the State."

PART IV. REPORTS CONSOLIDATION.

SECTION 22. G.S. 77-98 reads as rewritten:

"§ 77-98. Annual report.

The Commission shall submit an annual report, including any recommendations, on or before 1 October of each year to the Governor of North Carolina, the Environmental Review Commission of the General Assembly of North Carolina, the Governor of Virginia, and the General Assembly of Virginia."

SECTION 23. G.S. 106-744 reads as rewritten:

"§ 106-744. Purchase of agricultural conservation easements; establishment of North Carolina Agricultural Development and Farmland Preservation Trust Fund and Advisory Committee.

...

(i) The Advisory Committee shall report no later than May 1 of each year to the Joint Legislative Commission on Governmental Operations, the Environmental Review Commission, and the House of Representatives and Senate Appropriations Subcommittees on Natural and Economic Resources regarding the activities of the

Advisory Committee, the agriculture easements purchased, and agricultural projects funded during the previous year.

...."

SECTION 24. G.S. 130A-294.1 reads as rewritten:

"§ 130A-294.1. Fees applicable to generators and transporters of hazardous waste, and to hazardous waste storage, treatment, and disposal facilities.

(a) It is the intent of the General Assembly that the fee system established by this section is solely to provide funding in addition to federal and State appropriations to support the State's hazardous waste management program.

(p) The Department shall make an annual report on or before 1 October to the General Assembly and its Fiscal Research Division on the cost of the hazardous waste management program. The report shall include, but is not limited to, beginning fund balance, fees collected under this section, anticipated revenue from all sources, total expenditures ~~(by~~ activities and ~~categories)~~ categories for the hazardous waste management program, ending fund balance, any recommended adjustments in the annual and tonnage fees which may be necessary to assure the continued availability of funds sufficient to pay the State's share of the cost of the hazardous waste management program, and any other information requested by the General Assembly. In recommending adjustments in annual and tonnage fees, the Department may propose fees for hazardous waste generators, and for hazardous waste treatment facilities which treat waste generated on-site, which are designed to encourage reductions in the volume or quantity and toxicity of hazardous waste."

SECTION 25. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 2nd day of August, 2007.

s/ Beverly E. Perdue
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 12:45 p.m. this 30th day of August, 2007