

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007**

**SENATE BILL 845  
RATIFIED BILL**

AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO: (1) PROVIDE THAT PRIVATE DRINKING WATER WELLS ARE TO BE TESTED FOR CERTAIN ADDITIONAL PARAMETERS; (2) AUTHORIZE THE BOARD OF AGRICULTURE TO ADOPT RULES GOVERNING EUTHANASIA OF ANIMALS; (3) RENAME THE BLUE CRAB RESEARCH PROGRAM THE BLUE CRAB AND SHELLFISH RESEARCH PROGRAM; (4) CLARIFY THAT THE DEPARTMENT OF TRANSPORTATION OR ANY OTHER UNIT OF GOVERNMENT SHALL MAKE OYSTER SHELLS AVAILABLE TO THE DIVISION OF MARINE FISHERIES OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES WITHOUT REMUNERATION; (5) SPECIFY THAT THE ENVIRONMENTAL MANAGEMENT COMMISSION MAY NOT BEGIN THE PROCEDURE TO ADOPT A TEMPORARY OR PERMANENT RULE THAT GOVERNS THE MANAGEMENT OF STORMWATER RUNOFF IN THE COASTAL COUNTIES PURSUANT TO SUBDIVISIONS (1) AND (3) OF G.S. 143-214.7(B) PRIOR TO 1 OCTOBER 2011, SPECIFY THAT ANY SUCH ADDITIONAL RULES SHALL NOT BECOME EFFECTIVE PRIOR TO 1 OCTOBER 2013, AND SPECIFY THAT RULES ADOPTED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION PURSUANT TO ANY OTHER STATE STATUTORY AUTHORITY THAT GOVERN THE MANAGEMENT OF STORMWATER RUNOFF IN THE COASTAL COUNTIES SHALL NOT BECOME EFFECTIVE IN THE COASTAL COUNTIES PRIOR TO 1 OCTOBER 2011; (6) CLARIFY THE PROCEDURE FOR RECORDATION OF RESTRICTIONS AND PROTECTIVE COVENANTS THAT SPECIFY CERTAIN COASTAL STORMWATER MANAGEMENT REQUIREMENTS; (7) PROVIDE THAT A PERSON WHO BECOMES THE OWNER OR OPERATOR OF A COMMERCIAL PETROLEUM UNDERGROUND STORAGE TANK MAY PAY, UNDER PROTEST, UNPAID ANNUAL OPERATING FEES THAT WERE THE OBLIGATION OF A PREVIOUS OWNER OR OPERATOR FOR THE PURPOSE OF OBTAINING AN OPERATING PERMIT FOR THE UNDERGROUND STORAGE TANKS, REQUIRE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO DILIGENTLY SEEK TO COLLECT UNPAID FEES FROM THE PERSON WHO WAS ORIGINALLY RESPONSIBLE FOR PAYMENT, AND PROVIDE THAT A PERSON WHO PAYS FEES UNDER PROTEST MAY BE REIMBURSED TO THE EXTENT THAT THE FEES ARE COLLECTED FROM ANOTHER PERSON; (8) IMPROVE WATER QUALITY AND PROMOTE GROUNDWATER RECHARGE IN AREAS OF THE STATE THAT ARE NOT SUBJECT TO THE STORMWATER MANAGEMENT REQUIREMENTS OF CERTAIN WATER QUALITY PROGRAMS BY REQUIRING EITHER THAT NO MORE THAN EIGHTY PERCENT OF CERTAIN AREAS USED FOR VEHICULAR PARKING BE IMPERVIOUS OR, IN THE ALTERNATIVE, THAT RUNOFF FROM AT LEAST TWENTY PERCENT OF CERTAIN IMPERVIOUS VEHICULAR PARKING AREAS FLOW TO BIORETENTION AREAS; (9) DECLARE THE INTENT OF THE GENERAL ASSEMBLY THAT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AGGRESSIVELY COMPEL PERSONS WHO ARE

RESPONSIBLE FOR CONTAMINATION OF GROUNDWATER THAT RESULTS IN CONTAMINATION OF DRINKING WATER TO ASSESS AND REMEDIATE THE GROUNDWATER CONTAMINATION AS REQUIRED BY LAW; (10) CONSOLIDATE CERTAIN ENVIRONMENTAL REPORTING REQUIREMENTS; AND (11) TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL CORRECTIONS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT AND NATURAL RESOURCES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The General Assembly of North Carolina enacts:

## **PART I. AMEND ENVIRONMENTAL AND NATURAL RESOURCES LAWS.**

### **SECTION 1.** G.S. 87-97(h) reads as rewritten:

"(h) Drinking Water Testing. – Within 30 days after it issues a certificate of completion for a newly constructed private drinking water well, the local health department shall test the water obtained from the well or ensure that the water obtained from the well has been sampled and tested by a certified laboratory in accordance with rules adopted by the Commission for Public Health. The water shall be tested for the following parameters: arsenic, barium, cadmium, chromium, copper, fluoride, lead, iron, magnesium, manganese, mercury, nitrates, nitrites, selenium, silver, sodium, zinc, pH, ~~and~~ bacterial indicators, methyl tert-butyl ether, ethylene dibromide, 1,2-dichloroethane, 1,2-dichloropropane, isopropyl ether, benzene, toluene, ethylbenzene, xylenes, trichloroethylene, and tetrachloroethylene."

### **SECTION 2.(a)** G.S. 19A-24 reads as rewritten:

#### **"§ 19A-24. Powers of Board of Agriculture.**

(a) The Board of Agriculture shall:

- (1) Establish standards for the care of animals at animal shelters, boarding kennels, pet shops, and public auctions. A boarding kennel that offers dog day care services and has a ratio of dogs to employees or supervisors, or both employees and supervisors, of not more than 10 to one, shall not as to such services be subject to any regulations that restrict the number of dogs that are permitted within any primary enclosure.
- (2) Prescribe the manner in which animals may be transported to and from registered or licensed premises.
- (3) Require licensees and holders of certificates to keep records of the purchase and sale of animals and to identify animals at their establishments.
- (4) Adopt rules to implement this Article, including federal regulations promulgated under Title 7, Chapter 54, of the United States Code.
- (5) Adopt rules on the euthanasia of animals in the possession or custody of any person required to obtain a certificate of registration under this Article. An animal shall only be put to death by a method and delivery of method approved by the American Veterinary Medical Association, the Humane Society of the United States, or the American Humane Association. The Department shall establish rules for the euthanasia process using any one or combination of methods and standards prescribed by the three aforementioned organizations. The rules shall address the equipment, the process, and the separation of animals, in addition to the animals' age and condition. If the gas method of euthanasia is approved, rules shall require (i) that only commercially compressed carbon monoxide gas is approved for use, and (ii) that the gas must be delivered in a commercially manufactured chamber that

allows for the individual separation of animals. Rules shall also mandate training for any person who participates in the euthanasia process.

(b) In addition to rules on the euthanasia of animals adopted pursuant to subdivision (5) of subsection (a) of this section, the Board of Agriculture may adopt rules on the euthanasia of animals for:

- (1) Written and practical examinations for persons who perform euthanasia.
- (2) Issuance of certification to persons who have successfully completed both training and examinations to become a euthanasia technician.
- (3) Recertification of euthanasia technicians on a periodic basis.
- (4) Standards and procedures for the approval of persons who conduct training of euthanasia technicians.
- (5) Approval of materials for use in euthanasia technician training.
- (6) Minimum certification criteria for persons seeking to become euthanasia technicians including, but not limited to: age; previous related experience; criminal record; and other qualifications that are related to an applicant's fitness to perform euthanasia.
- (7) Denial, suspension, or revocation of certification of euthanasia technicians who either violate any provision of the Animal Welfare Act pursuant to Article 3 of Chapter 19A of the General Statutes or otherwise become ineligible for certification.
- (8) Provision of the names of persons who perform euthanasia at animal shelters and for the animal shelter to notify the Department when those persons are no longer affiliated, employed, or serving as a volunteer with the shelter.
- (9) Certified euthanasia technicians to notify the Department when they are no longer employed by or are serving as a volunteer at an animal shelter.
- (10) The duties, responsibilities, and standards of conduct for certified euthanasia technicians."

**SECTION 2.(b)** It is the intention of the General Assembly that the authorization to adopt rules governing euthanasia of animals set out in subsection (b) of G.S. 19A-24, as enacted by subsection (a) of this section, constitute sufficient statutory authority to support the adoption of 02 NCAC 52J .0401 through 02 NCAC 52J .0420, 02 NCAC 52J .0501 and 02 NCAC 52J .0502, 02 NCAC 52J .0602 through 02 NCAC 52J .0610, 02 NCAC 52J .0701 through 02 NCAC 52J .0705, and 02 NCAC 52J .0801 through 02 NCAC 52J .0803, as adopted by the Board of Agriculture on 13 February 2008.

**SECTION 3.** The Blue Crab Research Program, administered by the North Carolina Sea Grant Program, shall be renamed the Blue Crab and Shellfish Research Program. Funds appropriated to the Program may be used for research on blue crabs, oysters, scallops, clams, and other shellfish.

**SECTION 4.** G.S. 136-123(b) reads as rewritten:

"(b) No landscaping or highway beautification project undertaken by the Department or any other unit of government may use oyster shells as a ground cover. The Department or any other unit of government that ~~comes into possession of~~ possesses oyster shells shall make them available to the Department of Environment and Natural Resources, Division of Marine Fisheries, without remuneration, for use in any oyster bed revitalization programs or any other program that may use the shells."

**SECTION 5.** If Senate Bill 1967 becomes law, then Section 4 of Senate Bill 1967 is designated subsection (a) of Section 4, and a new subsection (b) of Section 4 is inserted after subsection (a) to read:

**"SECTION 4.(b)** Temporary Limitation on Additional Rule Making. –

- (1) In order to provide sufficient time for full implementation of this act, to provide sufficient time for accumulation and evaluation of data as to the effect of implementation of this act on coastal water quality, to provide time for additional scientific study of factors that impact coastal water quality, to allow for the development of proposals for improvements to the provisions of Section 2 of this act based on careful consideration of the foregoing, and to provide a period of predictability for persons who may be affected by the provisions of Section 2 of this act; except as may be specifically required by federal law and except as provided in subsection (a) of this section; the Environmental Management Commission shall not begin a procedure to adopt any additional temporary or permanent rule governing the management of stormwater runoff in the Coastal Counties pursuant to subdivisions (1) and (3) of G.S.143-214.7(b) prior to 1 October 2011.
- (2) Before the Environmental Management Commission begins a procedure to adopt any additional temporary or permanent rule governing the management of stormwater runoff in the Coastal Counties pursuant to subdivisions (1) and (3) of G.S.143-214.7(b), the Environmental Management Commission shall submit a report to the Environmental Review Commission that details the effect of the implementation of Section 2 of this act on coastal water quality. The report shall include information on improvements in coastal water quality, remaining deficiencies in coastal water quality, and the measures that the Environmental Management Commission believes may be necessary to maintain and further improve coastal water quality.
- (3) Any additional rules that the Environmental Management Commission may adopt governing the management of stormwater runoff in the Coastal Counties pursuant to subdivisions (1) and (3) of G.S.143-214.7(b) shall not become effective prior to 1 October 2013.
- (4) If the Environmental Management Commission adopts a temporary or permanent rule pursuant to the authority of any provision of State law other than subdivisions (1) and (3) of G.S.143-214.7(b) that governs the management of stormwater runoff in the Coastal Counties, the provisions of that rule shall not apply within the Coastal Counties until 1 October 2011 except as may be specifically required by federal law and except as provided in subsection (a) of this section."

**SECTION 6.(a)** If Senate Bill 1967 becomes law, then subsection (c) of Section 2 of Senate Bill 1967 reads as rewritten:

**"SECTION 2.(c)** Requirements for Limited Residential Development in Coastal Counties. – For residential development activities within the 20 Coastal Counties that are located within one-half mile and draining to Class SA waters, that have a built upon area greater than twelve percent (12%), that do not require a stormwater management permit under subsection (b) of this section, and that will add more than 10,000 square feet of built upon area, a one-time, nonrenewable stormwater management permit shall be obtained. The permit shall require recorded ~~deed~~-restrictions or protective covenants to be recorded on the property in the Office of the Register of Deeds in the county where the property is located prior to the issuance of a certificate of occupancy in order to ensure that the plans and specifications approved in the permit are maintained. Under this permit, stormwater runoff shall be managed using any one or combination of the following practices:

- (1) Install rain cisterns or rain barrels designed to collect all rooftop runoff from the first one and one-half inches of rain. Rain barrels and cisterns shall be installed in such a manner as to facilitate the reuse of the collected rain water on site and shall be installed in such a manner that

any overflow from these devices is directed to a vegetated area in a diffuse flow. Construct all uncovered driveways, uncovered parking areas, uncovered walkways, and uncovered patios out of permeable pavement or other pervious materials.

- (2) Direct rooftop runoff from the first one and one-half inches of rain to an appropriately sized and designed rain garden. Construct all uncovered driveways, uncovered parking areas, uncovered walkways, and uncovered patios out of permeable pavement or other pervious materials.
- (3) Install any other stormwater best management practice that meets the requirements of 15A NCAC 02H .1008 to control and treat the stormwater runoff from all built upon areas of the site from the first one and one-half inches of rain."

**SECTION 6.(b)** Subsection (f) of Section 9 of S.L. 2006-246 reads as rewritten:

"(f) Permittees, delegated programs, and regulated entities must impose or require recorded deed restrictions and protective covenants to be recorded on the property in the Office of the Register of Deeds in the county where the property is located prior to the issuance of a certificate of occupancy in order to that ensure that development activities will maintain the project consistent with approved plans."

**SECTION 7.(a)** G.S. 143-215.94B is amended by adding a new subsection to read:

"(h) The Commercial Fund may be used to reimburse the owner or operator of a commercial petroleum underground storage tank for annual operating fees that were paid under protest pursuant to G.S. 143-215.94C(f) to the extent the Department has recovered the fees from the previous owner or operator from whom the annual operating fees were due. The Commercial Fund may be used only to reimburse those fees that the owner or operator paid to eliminate an unpaid annual operating fees balance that had been accrued by and was the obligation of a previous owner or operator."

**SECTION 7.(b)** G.S. 143-215.94C is amended by adding a new subsection to read:

"(f) A person who becomes the owner or operator of a commercial petroleum underground storage tank may pay, under protest, unpaid annual operating fees that were the obligation of a previous owner or operator for the purpose of obtaining an operating permit for the underground storage tanks. An owner or operator who pays unpaid operating fees that were due from a previous owner or operator may request reimbursement of those fees as provided in G.S. 143-215.94B(h). In collecting unpaid annual operating fees, the Department shall diligently seek to collect unpaid annual operating fees from the person who was the owner or operator of the commercial petroleum underground storage tank at the time the fee first became due notwithstanding the fact that those fees were paid under protest as provided in this subsection."

**SECTION 8.(a)** Section 6.22 of S.L. 2007-323 is repealed.

**SECTION 8.(b)** Chapter 113A of the General Statutes is amended by adding a new Article to read:

"Article 4A.  
"Vehicular Surface Areas.

**"§ 113A-71. Definitions.**

(a) The definitions set out in Article 4 of this Chapter apply to this Article.

(b) As used in this section:

- (1) "Impervious surface" means any material that prevents the natural infiltration of water into the soil.
- (2) "Land-disturbing activity" has the same meaning as in G.S. 113A-52.
- (3) "Private passenger vehicle" has the same meaning as in G.S. 20-4.01.

- (4) "Vehicular surface area" means an area primarily used for the parking of private passenger vehicles. "Vehicular surface area" includes the means of ingress and egress to the area where private passenger vehicles are parked. "Vehicular surface area" includes any median, traffic island, or other traffic control device or structure contained wholly within the vehicular parking area. "Vehicular surface area" does not include covered vehicle parking areas or multilevel vehicle parking areas.

**"§ 113A-72. Vehicular surface areas.**

(a) Alternative Requirements. – For land-disturbing activity that will result in an increase in vehicular surface area of one acre or more, either:

- (1) No more than eighty percent (80%) of the surface area of the vehicular surface area may be impervious surface, or
- (2) The stormwater runoff generated by the first two inches of rain that fall on at least twenty percent (20%) of the vehicular service area during a storm event must flow to an appropriately sized bioretention area that is designed in accordance with the standards established by the Department.

(b) Building Permit. – No permit shall be issued under G.S. 153A-357 or G.S. 160A-417 for any land-disturbing activity that does not comply with the requirements of this section.

(c) Applicability. – This section does not apply in any area of the State in which any of the following programs is being implemented:

- (1) Water Supply Watershed I (WS-I) – 15A NCAC 2B.0212.
- (2) Water Supply Watershed II (WS-II) – 15A NCAC 2B.0214.
- (3) Water Supply Watershed III (WS-III) – 15A NCAC 2B.0215.
- (4) Water Supply Watershed IV (WS-IV) – 15A NCAC 2B.0216.
- (5) Freshwater High Quality Waters (HQW) – 15A NCAC 2H.1006.
- (6) Freshwater Outstanding Resource Waters (ORW) – 15A NCAC 2H.1007.
- (7) The Neuse River Basin Nutrient Sensitive Waters (NSW) Management Strategy – 15A NCAC 2B.0235.
- (8) The Tar-Pamlico River Basin Nutrient Sensitive (NSW) Management Strategy – 15A NCAC 2B.0258.
- (9) The Randleman Lake Water Supply Watershed Nutrient Management Strategy – 15A NCAC 2B.0251.
- (10) Phase II Stormwater Management – S.L. 2006-246.
- (11) Stormwater Requirements: Coastal Counties – 15A NCAC 02H .1005."

**SECTION 8.(c)** G.S. 153A-357 is amended by adding a new subsection to read:

"(d) No permit shall be issued pursuant to subsection (a) of this section for any land-disturbing activity that is subject to, but does not comply with, the requirements of G.S. 113A-72."

**SECTION 8.(d)** G.S. 160A-417 is amended by adding a new subsection to read:

"(c) No permit shall be issued pursuant to subsection (a) of this section for any land-disturbing activity that is subject to, but does not comply with, the requirements of G.S. 113A-72."

**SECTION 8.(e)** If Senate Bill 1967 becomes law, then G.S. 113A-72(c)(11), as enacted by subsection (b) of this section, reads as rewritten:

- "(11) Stormwater Requirements: Coastal Counties – 15A NCAC 02H .1005- Coastal Stormwater Management – Section 2 of S.L. 2008-XXX."

**SECTION 8.(f)** The Revisor of Statutes shall substitute the correct Session Law Chapter Number for "XXX" in G.S. 113A-72(c)(11), as rewritten by subsection (e) of this section.

**SECTION 9.** For purposes of this section, "contamination of drinking water" means any exceedance of the drinking water standards adopted by the United States Environmental Protection Agency pursuant to the federal Safe Drinking Water Act or by the drinking water standards adopted by the Commission for Health Services pursuant to Article 10 of Chapter 130A of the General Statutes. It is the intent of the General Assembly that the Department of Environment and Natural Resources aggressively compel persons who are responsible for contamination of groundwater that results in contamination of drinking water to assess and remediate the groundwater contamination as required by law.

## **PART II. REPORTS CONSOLIDATION.**

**SECTION 10.1.** Subsection (e) of G.S. 143B-279.12 is repealed.

**SECTION 10.2.** Subsection (c) of G.S. 143B-279.13 is repealed.

**SECTION 10.3.** Article 7 of Chapter 143B of the General Statutes is amended by adding a new section to read:

**"§ 143B-279.15. Report on One-Stop Permitting Program and Express Permitting Program.**

No later than 1 March of each year, the Department of Environment and Natural Resources shall report to the Fiscal Research Division of the General Assembly and the Environmental Review Commission on the One-Stop for Certain Environmental Permits Program established by G.S. 143B-279.12 and the Express Permit and Certification Reviews Program established by G.S. 143B-279.13. The report shall include:

- (1) The number of environmental permits subject to G.S. 143B-279.12 that took more than 90 days to issue or deny, the types of permits those were, the reasons for the extended processing time of those permits, and how the time within which the permit was actually issued or denied compared with the projected time frame provided to the applicant by the Department as provided by G.S. 143B-279.12. Based on the data gathered in this subdivision, the Department shall include recommendations regarding permit time frames for all major permits issued by the Department.
- (2) Findings on the success of the Express Permit and Certification Reviews program established by G.S. 143B-279.13 and any other findings or recommendations, including any legislative proposals that it deems pertinent."

## **PART III. TECHNICAL CORRECTIONS.**

**SECTION 11.1.** G.S. 143-64.12(a) reads as rewritten:

"(a) The Department of Administration through the State Energy Office shall develop a comprehensive program to manage energy, water, and other utility use for State agencies and State institutions of higher learning and shall update this program annually. Each State agency and State institution of higher learning shall develop and implement a management plan that is consistent with the State's comprehensive program under this subsection to manage energy, water, and other utility use. The energy consumption per gross square foot for all State buildings in total shall be reduced by twenty percent (20%) by 2010 and thirty percent (30%) by 2015 based on energy consumption for the ~~2003-2004~~2002-2003 fiscal year. Each State agency and State institution of higher learning shall update its management plan annually and include strategies for supporting the energy consumption reduction requirements under this

subsection. Each community college shall submit to the State Energy Office an annual written report of utility consumption and costs."

**SECTION 11.2.** G.S. 143-215.3A(a) reads as rewritten:

"(a) The Water and Air Quality Account is established as a nonreverting account within the Department. Revenue in the Account shall be applied to the costs of administering the programs for which the fees were collected. Revenue credited to the Account pursuant to G.S. 105-449.43, G.S. 105-449.125, ~~105-449.134~~, and ~~105-449.43~~G.S. 105-449.136 shall be used to administer the air quality program. Except for the following fees, all application fees and permit administration fees collected by the State for permits issued under Articles 21, 21A, 21B, and 38 of this Chapter shall be credited to the Account:

- (1) Fees collected under Part 2 of Article 21A and credited to the Oil or Other Hazardous Substances Pollution Protection Fund.
- (2) Fees credited to the Title V Account.
- (3) Repealed by Session Laws 2005-454, s. 7, effective January 1, 2006.
- (4) Fees collected under G.S. 143-215.28A.
- (5) Fees collected under G.S. 143-215.94C shall be credited to the Commercial Leaking Petroleum Underground Storage Tank Cleanup Fund."

**SECTION 11.3.** If House Bill 819 becomes law, then G.S. 130A-309.91(9), as enacted by Section 1 of House Bill 819, reads as rewritten:

- "(9) Television manufacturer. – A person that: (i) manufactures for sale in this State a television under a brand that it licenses or owns; (ii) manufactures for sale in this State a television without affixing a brand; (iii) resells into this State a television under a brand it owns or licenses produced by other suppliers, including retail establishments that sell a television under a brand that the retailer owns or licenses; (iv) imports into the United States or exports from the United States a television for sale in this State; (v) sells at retail a television acquired from an importer that is the manufacturer as described in ~~(i)~~ sub-subdivision (iv) of this subdivision, and the retailer elects to register in lieu of the importer as the manufacturer of those products; (vi) manufactures a television for or supplies a television to any person within a distribution network that includes wholesalers or retailers in this State and that benefits from the sale in this State of the television through the distribution network; or (vii) assumes the responsibilities and obligations of a television manufacturer under this Part. In the event the television manufacturer is one that manufactures, sells, or resells under a brand it licenses, the licensor or brand owner of the brand shall not be considered to be a television manufacturer under (i) or (iii) of this subdivision."

**SECTION 11.4.** If House Bill 819 becomes law, the prefatory language to Section 7 of that act is amended by deleting "Section 16" and substituting "Section 16.6".

**SECTION 11.5.** If House Bill 821 becomes law, then G.S. 143-215.22L(c), as amended by Section 1 of House Bill 821, reads as rewritten:

"(c) Notice of Intent to File a Petition. – An applicant shall prepare a notice of intent to file a petition that includes a nontechnical description of the applicant's request and an identification of the proposed water source. Within 90 days after the applicant files a notice of intent to file a petition, the applicant shall hold at least one public meeting in the source river basin upstream from the proposed point of withdrawal, at least one public meeting in the source river basin downstream from the proposed point of withdrawal, and at least one public meeting in the receiving river basin to provide information to interested parties and the public regarding the nature and extent of the proposed transfer and to receive comment on the scope of the environmental



documents. Written notice of the public meetings shall be provided at least 30 days before the public meetings. At the time the applicant gives notice of the public meetings, the applicant shall request comment on the alternatives and issues that should be addressed in the environmental documents required by this section. The applicant shall accept written comment on the scope of the environmental documents for a minimum of 30 days following the last public meeting. Notice of the public meetings and opportunity to comment on the scope of the environmental documents shall be provided as follows:

- (1) By publishing notice in the North Carolina Register.
- (2) By publishing notice in a newspaper of general circulation in:
  - a. Each county in this State located in whole or in part of the area of the source river basin upstream from the proposed point of withdrawal.
  - b. Each city or county located in a state located in whole or in part of the surface drainage basin area of the source river basin that also falls within, in whole or in part, the area denoted by one of the following eight-digit cataloging units as organized by the United States Geological Survey:
    - ~~03050101 (Broad River: NC and SC);~~
    - ~~03050103 (Broad River: NC and SC);~~
    - ~~03050107 (Broad River: SC);~~
    - ~~03050108 (Broad River: SC);~~
    - ~~03050109 (Broad River: SC);~~
    - ~~03050110 (Broad River: SC);~~
    - ~~03010101 (New River: VA);~~
    - ~~03040101 (New River: VA and NC);~~
    - ~~05050002 (New River: VA and WV);~~
    - ~~05050003 (New River: WV);~~
    - ~~05070201 (New River: KY, VA, and WV);~~
    - ~~06010102 (New River: TN and VA);~~
    - ~~06010205 (New River: TN and VA);~~
    - ~~03050102 (Catawba River: NC);~~
    - ~~03050105 (Catawba River: NC and SC);~~
    - ~~03050106 (Catawba River: SC);~~
    - ~~03050111 (Catawba River: SC);~~
    - ~~03010202 (Chowan River: NC and VA);~~
    - ~~03010205 (Chowan River: NC and VA);~~
    - ~~03010102 (Chowan River: NC and VA);~~
    - ~~03010201 (Chowan River: NC and VA);~~
    - ~~06010108 (French Broad River NC and TN);~~
    - ~~06010105 (French Broad River NC and TN);~~
    - ~~06010106 (French Broad River NC and TN);~~
    - ~~06010201 (French Broad River TN);~~
    - ~~03130001 (Hiwassee River: GA);~~
    - ~~03150103 (Hiwassee River: GA);~~
    - ~~03150105 (Hiwassee River: AL and GA);~~
    - ~~03150106 (Hiwassee River: AL);~~
    - ~~06020003 (Hiwassee River: GA, NC, and TN);~~
    - ~~06020004 (Hiwassee River: TN);~~
    - ~~06030001 (Hiwassee River: AL, GA, and TN);~~
    - ~~03060102 (Little Tennessee River: GA, NC, and SC);~~
    - ~~06010104 (Little Tennessee River: TN);~~
    - ~~06010107 (Little Tennessee River: TN);~~
    - ~~06010202 (Little Tennessee River: TN, GA, and NC);~~
    - ~~06010203 (Little Tennessee River: NC);~~

~~06010204 (Little Tennessee River: NC and TN);~~  
~~06010207 (Little Tennessee River: TN);~~  
~~06010208 (Little Tennessee River: TN);~~  
~~06020001 (Little Tennessee River: AL, GA, TN);~~  
~~06020002 (Little Tennessee River: GA, NC, TN);~~  
~~03060101 (Savannah River: NC and SC);~~  
~~03060103 (Savannah River: GA and SC);~~  
~~03060104 (Savannah River: GA);~~  
~~03060105 (Savannah River: GA);~~  
~~03060107 (Savannah River: SC);~~  
~~03040203 (Lumber River: NC and SC);~~  
~~03040204 (Lumber River: NC and SC);~~  
~~03040201 (Lumber River: NC and SC);~~  
~~03040206 (Lumber River: NC and SC);~~  
~~03050112 (Lumber River: SC);~~  
~~02080108 (Albemarle Sound: VA);~~  
~~02080208 (Albemarle Sound: VA);~~  
~~03010203 (Albemarle Sound: NC and VA);~~  
~~03150101 (Ocoee River: GA and TN);~~  
~~03150102 (Ocoee River: GA);~~  
~~03150104 (Ocoee River: GA);~~  
~~02080201 (Roanoke River: VA and WV);~~  
~~02080203 (Roanoke River: VA);~~  
~~02080207 (Roanoke River: VA);~~  
~~03010104 (Roanoke River: NC and VA);~~  
~~03010105 (Roanoke River: VA);~~  
~~03010106 (Roanoke River: NC and VA);~~  
~~03010204 (Roanoke River: NC and VA);~~  
~~05050001 (Watauga River: NC and VA);~~  
~~06010101 (Watauga River: TN and VA);~~  
~~06010103 (Watauga River: NC and TN);~~  
~~03010103 (Yadkin River: NC and VA);~~  
~~03040104 (Yadkin River: NC and SC);~~  
~~03040207 (Yadkin River: NC and SC);~~  
~~03040105 (Yadkin River: NC and SC);~~  
~~03040202 (Yadkin River: NC and SC);~~  
~~03040205 (Yadkin River: SC);~~  
~~03050104 (Yadkin River: SC).~~  
03050105 (Broad River: NC and SC);  
03050106 (Broad River: SC);  
03050107 (Broad River: SC);  
03050108 (Broad River: SC);  
05050001 (New River: NC and VA);  
05050002 (New River: VA and WV);  
03050101 (Catawba River: NC and SC);  
03050103 (Catawba River: NC and SC);  
03050104 (Catawba River: SC);  
03010203 (Chowan River: NC and VA);  
03010204 (Chowan River: NC and VA);  
06010105 (French Broad River: NC and TN);  
06010106 (French Broad River: NC and TN);  
06010107 (French Broad River: TN);  
06010108 (French Broad River: NC and TN);  
06020001 (Hiwassee River: AL, GA, TN);  
06020002 (Hiwassee River: GA, NC, TN);

06010201 (Little Tennessee River: TN);  
06010202 (Little Tennessee River: TN, GA, and NC);  
06010204 (Little Tennessee River: NC and TN);  
03060101 (Savannah River: NC and SC);  
03060102 (Savannah River: GA, NC, and SC);  
03060103 (Savannah River: GA and SC);  
03060104 (Savannah River: GA);  
03060105 (Savannah River: GA);  
03040203 (Lumber River: NC and SC);  
03040204 (Lumber River: NC and SC);  
03040206 (Lumber River: NC and SC);  
03040207 (Lumber River: NC and SC);  
03010205 (Albemarle Sound: NC and VA);  
06020003 (Ocoee River: GA, NC, and TN);  
03010101 (Roanoke River: VA);  
03010102 (Roanoke River: NC and VA);  
03010103 (Roanoke River: NC and VA);  
03010104 (Roanoke River: NC and VA);  
03010105 (Roanoke River: VA);  
03010106 (Roanoke River: NC and VA);  
06010102 (Watauga River: TN and VA);  
06010103 (Watauga River: NC and TN);  
03040101 (Yadkin River: VA and NC);  
03040104 (Yadkin River: NC and SC);  
03040105 (Yadkin River: NC and SC);  
03040201 (Yadkin River: NC and SC);  
03040202 (Yadkin River: NC and SC).

- c. Each county in this State located in whole or in part of the area of the source river basin downstream from the proposed point of withdrawal.
  - d. Any area in the State in a river basin for which the source river basin has been identified as a future source of water in a local water supply plan prepared pursuant to G.S. 143-355(1).
  - e. Each county in the State located in whole or in part of the receiving river basin.
- (3) By giving notice by first-class mail or electronic mail to each of the following:
- a. The board of commissioners of each county in this State or the governing body of any county or city that is politically independent of a county in any state that is located entirely or partially within the source river basin of the proposed transfer and that also falls within, in whole or in part, the area denoted by one of the eight-digit cataloging units listed in sub-subdivision b. of subdivision (2) of this subsection.
  - b. The board of commissioners of each county in this State or the governing body of any county or city that is politically independent of a county in any state that is located entirely or partially within the receiving river basin of the proposed transfer and that also falls within, in whole or in part, the area denoted by one of the eight-digit cataloging units listed in sub-subdivision b. of subdivision (2) of this subsection.
  - c. The governing body of any public water supply system that withdraws water upstream or downstream from the withdrawal point of the proposed transfer.

- d. If any portion of the source or receiving river basins is located in another state, all state water management or use agencies, environmental protection agencies, and the office of the governor in ~~each adjacent~~that state upstream or downstream from the withdrawal point of the proposed transfer.
- e. All persons who have registered a water withdrawal or transfer from the proposed source river basin under this Part or under similar law in an ~~adjacent~~another state.
- f. All persons who hold a certificate for a transfer of water from the proposed source river basin under this Part or under similar law in an ~~adjacent~~another state.
- g. All persons who hold a National Pollutant Discharge Elimination System (NPDES) wastewater discharge permit for a discharge of 100,000 gallons per day or more upstream or downstream from the proposed point of withdrawal.
- h. To any other person who submits to the applicant a written request to receive all notices relating to the petition."

**SECTION 11.6.** If House Bill 2499 becomes law, then G.S. 143-215.22H(d), as enacted by Section 1 of House Bill 2499, reads as rewritten:

"(d) Any person who is required to register a water withdrawal or transfer under this section shall update the registration by providing the Commission with a current version of the information required by subsection (a) of this section at five-year intervals following the initial registration. A person who submits information to update a registration of a water withdrawal or transfer is not required to pay an additional registration fee under G.S. 143-215.3(a)(1a) and G.S. 143-215.3(a)(1b), but is subject to the ~~late registration fee~~ civil penalty established under this section in the event that updated information is not submitted as required by this subsection."

**SECTION 11.7.** If Senate Bill 1339 becomes law, then G.S. 75-90(a)(4), as enacted by Section 1 of Senate Bill 1339, reads as rewritten:

"(4) Gasoline. – Defined in ~~G.S. 105-449.60(15)a.~~ G.S. 105-449.60(22)a."

#### **PART IV. EFFECTIVE DATE.**

**SECTION 12.** Section 1 of this act becomes effective 1 October 2009. Section 2 of this act is retroactive to 1 November 2007. Section 6 of this act becomes effective 1 October 2008. Subsections (a), (e), and (f) of Section 8 of this act become effective when this act becomes law. Subsections (b), (c), and (d) of Section 8 of this act become effective 1 April 2009 and apply to building permits issued pursuant to G.S. 153A-357 and G.S. 160A-417 for which applications are received on or after that date. Sections 3, 4, 5, 7, and 9 through 12 of this act are effective when this act becomes law.

In the General Assembly read three times and ratified this the 18<sup>th</sup> day of July, 2008.

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Marc Basnight  
President Pro Tempore of the Senate

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Joe Hackney  
Speaker of the House of Representatives

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Michael F. Easley  
Governor

Approved \_\_\_\_\_m. this \_\_\_\_\_ day of \_\_\_\_\_, 2008