

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE DRS15095-LD-11A (02/09)

Short Title: Conditions for New Environmental Rules. (Public)

Sponsors: Senator Preston.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE ADDITIONAL REQUIREMENTS TO APPLY TO THE
3 ADOPTION AND IMPLEMENTATION OF ANY PROPOSED ADMINISTRATIVE
4 RULE THAT IS AN ENVIRONMENTAL RULE.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Part 1 of Article 7 of Chapter 143B of the General Statutes is
7 amended by adding a new section to read:

8 "**§ 143B-279.18. Additional requirements for proposed environmental rules; stakeholder**
9 **committees.**

10 (a) In addition to the provisions of Chapter 150B of the General Statutes regarding the
11 adoption of any rule and to the extent the following does not conflict with any federal
12 requirement, no environmental rule may be adopted unless each of the following additional
13 requirements has been satisfied:

14 (1) The best available scientific data indicates the proposed environmental rule
15 is needed for the Department to accomplish its duty to protect the
16 environment.

17 (2) The Department, prior to publishing the text of the proposed environmental
18 rule in the North Carolina Register, develops a specific plan for conducting a
19 future environmental audit.

20 (3) The Department, prior to publishing the text of the proposed environmental
21 rule in the North Carolina Register, prepares an economic impact statement
22 for each county that is affected by the proposed environmental rule.

23 (b) An environmental audit under subdivision (2) of subsection (a) of this section must
24 take into consideration any scientific developments that have occurred since the initial adoption
25 of the environmental rule or the most recent environmental audit, if any. The Department shall
26 seek to amend the rule accordingly when the provisions of subdivision (1) of subsection (a) of
27 this section so indicate. As used in this subsection, 'environmental audit' means a scientific
28 evaluation by experts qualified by scientific training and experience to determine the level of
29 current compliance with the environmental rule and the effectiveness of the environmental rule
30 in accomplishing its intended purpose.

31 (c) Any stakeholder committee created to consider any proposed environmental rule
32 shall have the following composition:

33 (1) At least eighty percent (80%) of the members of the stakeholder committee
34 shall satisfy all of the following criteria:

35 a. Be employed in the private sector.



- b. Reside in the city or county that is potentially affected by the proposed environmental rule.
- c. Be familiar with the subject of the proposed environmental rule as shown by the individual's actual experience related to that subject.
- d. Understand the impacts associated with the proposed environmental rule becoming effective.

(2) The remaining members of the stakeholder committee shall consist of Department staff or any scientists who the Department deems are needed and who are knowledgeable in the subject of the proposed environmental rule as shown by scientific training and experience.

(d) During the environmental rule-making process, the Department shall provide technical and advisory assistance as needed to the stakeholder committee under subsection (c) of this section. Once an environmental rule becomes effective, the Department shall continue to provide to the stakeholder committee technical and advisory assistance needed to determine whether the rule is being complied with and its effectiveness in accomplishing its purpose."

SECTION 2. This act becomes effective September 1, 2011, and applies to any administrative rule that is subject to this act and that is proposed on or after that date for adoption under Article 2A of Chapter 150B of the General Statutes.