

Environment, Natural Resources, and Energy

See full summary documents for additional detail

H308 - Regulatory Reform Act of 2020.

Sec. 1: North Carolina On-Site Wastewater Contractors and Inspectors Certification Board/Grant of Authority to Hold Real Property. (SL 2020-74)

Section 1 of S.L. 2020-74 authorizes the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board to acquire, hold, convey, rent, encumber, alienate, and otherwise deal with real property in the same manner as a private person or corporation, subject only to the approval of the Governor and Council of State.

This section became effective July 1, 2020.

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Sec. 1A: Establish a Maximum Fee for the Authorized On-Site Wastewater Evaluator Program. (SL 2020-74)

Section 1A of S.L. 2020-74 authorizes the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board to establish an application fee for an authorized on-site wastewater evaluator in an amount not to exceed \$300.

This section became effective July 1, 2020.

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Sec. 2: Allow Division of Coastal Management to Accept Electronic Payments. (SL 2020-74)

Section 2 of S.L. 2020-74 allows the Division of Coastal Management, or the appropriate city or county authority, to accept electronic payments for permit applications, in addition to checks or money orders.

This section became effective July 1, 2020.

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Sec. 3: Allow the Department of Environmental Quality to Establish Emergency Measures and Procedures Applicable to Solid Waste Management During a State of Emergency Declared by the Governor. (SL 2020-74)

Section 3 of S.L. 2020-74 authorizes the Secretary of the Department of Environmental Quality (DEQ) to develop and implement emergency measures and procedures necessary for the proper management of solid waste generated during a state of emergency declared by the Governor. Such emergency procedures and measures expire no more than 60 days after a declaration of a state of emergency has expired or been rescinded by the Governor, and may include any of the following: (i) restrictions on the collection, storage, and transportation of solid waste; (ii) decisions on facility operational conditions such as operational times

and waste acceptance and (iii) any other measures or procedures necessary to allow for the proper disposal of solid waste within impacted communities.

This section became effective July 1, 2020.

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Sec. 4: Abandoned and Derelict Vessels. (SL 2020-74)

Section 4 of S.L. 2020-74 amends S.L. 2019-224 to require Wildlife Resources Commission (WRC) to provide notice to the owner of an abandoned or derelict vessel, if possible, post notice on the vessel itself, and allow 30 days for response prior to taking actions to remove and dispose of the abandoned or derelict vessel. This section also directs WRC to prioritize the removal of abandoned and derelict vessels on public waters and lands, and clarifies the definition of "abandoned and derelict vessel."

This section became effective July 1, 2020.

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Sec. 5 & 6: Clarify Funding for the Lindsey Bridge Dam Repair and Stream Restoration Project in Rockingham County. (SL 2020-74)

Sections 5 and 6 of S.L. 2020-74 reallocate funds to provide a directed grant to the Town of Madison for the Lindsey Bridge dam repair and stream restoration project, subject to certain requirements.

This section became effective July 1, 2020 and expires June 30, 2021.

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Sec. 7: Mercury Switch Program Extension. (SL 2020-74)

Section 7 of S.L. 2020-74 extends the expiration of the Mercury Switch Program, and the funding for the program, from June 2021 until June 2031.

This section became effective July 1, 2020.

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Sec. 8: Collaboratory Reporting Changes. (SL 2020-74)

Section 8 of S.L. 2020-74 does the following:

- Delays deadlines for the following reports, due to the impact of the COVID-19 pandemic on academic research required for the legislative directives:

- o From October 2020 to April 2021, the Collaboratory's report on the results of sampling done in conjunction with nontargeted analysis for PFAS (per/poly-fluoroalkyl substances) at all public water supply

surface water intakes and one public water supply well to establish a water quality baseline for all sampling sites.

o From December 2020 to June 2021, the Collaboratory's report on the study of flooding and resiliency against future storms in Eastern North Carolina and development of an implementation plan with recommendations.

- Amends the language enacted in 2016 that originally established the Collaboratory, which provided its purpose was to facilitate the dissemination of the policy and research expertise of The University of North Carolina, to also include other institutions of higher learning within North Carolina. Language is also added, however, to provide that wherever possible, funding preference may be given to campuses within The University of North Carolina System. In addition, language is added to provide that any funds appropriated by the General Assembly for use by the Collaboratory may not be used for indirect overhead costs.

This section became effective July 1, 2020.

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Sec. 10: Mine Reclamation Reporting Date Change. (SL 2020-74)

Section 10 of S.L. 2020-74 moves the annual mine reclamation reporting date for mine operators from July 1 to September 1, and moves the date late fees begin for failure to submit the annual report or pay the required annual fee to accrue from July 31 to September 30.

This section became effective July 1, 2020.

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Sec. 11: DEQ Reports Date Change. (SL 2020-74)

Section 11 of S.L. 2020-74 moves the reporting date for certain Department of Environmental Quality (DEQ) reports, largely related to solid waste, to April 15 from January 15, makes other conforming changes, and changes the recipient of annual reports relating to the use of federal dredging funds from the Joint Legislative Commission of Governmental Operations to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources.

This section became effective July 1, 2020.

H308 - Regulatory Reform Act of 2020.

Sec. 14: Consolidate River Basin Advisory Commission Reports. (SL 2020-74)

Section 14 of S.L. 2020-74 moves an audit report date to October 1 of each year, allowing the River Basin Advisory Commission to submit the required audits as a part of the required annual report, and simplifies the number of entities receiving the annual reports.

This section became effective July 1, 2020.

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Sec. 15: Electronic Permitting Clarification. (SL 2020-74)

Section 15 of S.L. 2020-74 clarifies that the Environmental Management Commission may issue permits, certifications, authorizations, or other approvals by electronic delivery, registered or certified mail, or any other means authorized by G.S. 1A-1, Rule 4.

This section became effective July 1, 2020.

H308 - Regulatory Reform Act of 2020.

Sec. 16: Nonbetterment Cost Recovery for Certain Private Water and Sewer Systems. (SL 2020-74)

Section 16 of S.L. 2020-74 adds water and sewer lines owned by a private water or sewer utility organized pursuant to Chapter 62 of the General Statutes serving 10,000 or fewer customers to the type of lines that DOT must pay to relocate for transportation improvement projects.

This section is effective retroactively to March 1, 2020, and applies to nonbetterment costs for State transportation improvement projects incurred on or after that date.

H308 - Regulatory Reform Act of 2020.

Sec. 17: Underground Storage Tank Spill Bucket Rule Change. (SL 2020-74)

Section 17 of S.L. 2020-74 requires the Environmental Management Commission to adopt a rule to allow the use of mechanical liquid detecting sensors for interstitial leak detection on spill buckets replaced on underground storage tanks installed prior to November 1, 2007, if those spill buckets meet certain requirements.

This section applies to all spill buckets replaced on or after August 1, 2020, and expires when the Environmental Management Commission adopts permanent rules implementing this section.

H873 - System Development Fee/Accessory Dwelling Units Sewer Permit. (SL 2020-61)

S.L. 2020-61 does all of the following:

- Clarifies the timing of collection of system development fees.
- Allows system development fees calculated under the combined cost method to be used for previously completed capital improvements for which capacity still exists and capital rehabilitation projects once collected by the local governmental unit.
- Requires the Department of Environmental Quality to amend a rule that currently allows a sewer that serves a single building to be deemed permitted, to allow a sewer shared with an accessory building on the same property to be deemed permitted as well.

This act has various effective dates. Please see the full summary for more details.

H1043 - 2020 COVID-19 Recovery Act.

Sec. 4.2: Small Business Loan Assistance. (SL 2020-4)

Section 4.2 of S.L. 2020-4 allocates \$125 million to the Golden Leaf Foundation (GLF) for grants to entities for the purpose of providing emergency bridge loan funding for small businesses adversely affected by the COVID-19 epidemic. The section, in large part, mimics the existing bridge loan program GLF provides with non-State funds. The funds appropriated for this section of the act come from the Coronavirus Relief Fund, into which federal COVID-19 assistance has been transferred.

This section became effective May 4, 2020.

The program was amended by Section 1.6 of S.L. 2020-97 by changing loan terms and loan prioritization and making technical changes. This section became effective September 4, 2020.

H1087 - Water/Wastewater Public Enterprise Reform. (SL 2020-79)

S.L. 2020-79 does all the following:

- Establishes a process for identifying distressed public water systems and wastewater systems.
- Establishes the Viable Utility Fund, within the Department of Environmental Quality, to be used for assisting public water and wastewater systems to become self-sustaining.
- Establishes a process for a water or wastewater system created under Chapter 162 of the General Statutes to request merger or dissolution of that system.
- Encourages interlocal cooperation between public water and wastewater systems.
- Makes a one-time transfer of \$9,000,000 from the One NC Fund to the Viable Utility Fund and appropriate those funds for the purposes of the Viable Utility Fund.
- Appropriates \$9 million to the Southern Regional Area Health Education Center in Fayetteville, reallocate \$2 million of unused funds appropriated in a prior budget bill to the PFAS Recovery Fund for a variety of local water quality and PFAS response activities., and allocate \$310,000 from the Wastewater Reserve to repair a damaged sewer line in Rockingham County.
- Appropriates funds received by the State from the environmental mitigation trust established in settlement of the Volkswagen Clean Diesel Marketing, Sales Practices, and Products Liability litigation in accordance with Phase 1 of the Department of Environmental Quality's Mitigation Plan.
- Makes one-time transfers from the Shallow Draft Navigation Channel Dredging and Aquatic Weed Fund and the Film and Entertainment Grant Fund and appropriate those funds for various water resources development projects, and adds flood storage capacity restoration to the purposes and permissible uses of the Ecosystem Restoration Fund administered by the Department of Environmental Quality's Division of Mitigation Services.

This act became effective July 1, 2020, except for the reallocation of previous appropriations to the PFAS Recovery Fund and certain Viable Utility Fund conforming changes to previously enacted bills, which became effective June 30, 2020.

H1105 - Coronavirus Relief Act 3.0.

Sec. 3.19: Reallow Licensed Soil Scientists to Evaluate, Inspect, and Approve On-Site Wastewater Systems Projects During the Coronavirus Emergency. (SL 2020-97)

Sec. 4.18 of 2020-3 authorizes an individual licensed as a soil scientist to prepare signed and sealed soil and site evaluations, specifications, plans, and reports for the site layout, construction, operation, and maintenance of a wastewater system without needing any further certification from the North Carolina On-Site Wastewater Contractors and Inspectors Board. A licensed soil scientist is also authorized to conduct all necessary inspections, certifications, and approvals, including the issuance of the final inspection and report. Such authority is at the direction of the owner of a proposed on-site wastewater.

This section became effective September 4, 2020, and will expire 90 days after Executive Order 116 is rescinded. However, the expiration of this section does not prevent a licensed soil scientist acting under this section's authority from completing a proposed wastewater system begun before this section expired.

H1163 - Guilford Funds/Cabarrus Land/Brunsw Shellfish. (SL 2020-63)

S.L. 2020-63 does the following:

- Reallocates the unused portion of funds originally allocated to Guilford County and certain municipalities in northwest Guilford County for water and wastewater system improvements by dividing that unused portion equally among the municipalities of Oak Ridge, Stokesdale, and Summerfield to be used for water infrastructure projects.
- Transfers certain parcels of the Stonewall Jackson Manual Training and Industrial School campus to Cabarrus County.
- Creates a pilot program to lift a moratorium on shellfish leases in certain waters in Brunswick County.

This act became effective July 1, 2020. The section creating a shellfish lease pilot program will expire July 1, 2032, and any leases granted pursuant to that section must expire no later than July 1, 2033.

S315 - North Carolina Farm Act of 2019-20.

Sec. 12: Prevent Grant Funding Duplication. (SL 2020-18)

Section 12 of S.L. 2020-18 amends existing law to provide that projects that are part of the Environmental Quality Incentives Program (EQIP) are ineligible for State Water Resources Development Grant (WRDG) funding if they receive funding from the Clean Water Management Trust Fund (CWMTF), and are ineligible for CWMTF funding if they receive WRDG funding. This section also required the Department of Environmental Quality and the Department of Natural and Cultural Resources to report to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources no later than September 30, 2020, regarding funding overlaps between water resources development grant funding and CWMTF grants for EQIP funding for the Western Stream Initiative and the efforts of both Departments to improve administration of State grants for that program.

This section became effective June 12, 2020.

S315 - North Carolina Farm Act of 2019-20.

Sec. 13: Improve Performance Management of State Grant Funds. (SL 2020-18)

Section 13 of S.L. 2020-18 directs the Department of Environmental Quality and, as applicable, the Clean Water Management Trust Fund to collect and report to the General Assembly certain grant administration and grant implementation efficiency and effectiveness measures. The report is due annually no later than November 1 to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources and the Fiscal Research Division.

This section became effective June 12, 2020.

S315 - North Carolina Farm Act of 2019-20.

Sec. 15: Specify that the TMDL Transport Factor Applies When Offsetting Certain Permitted Wastewater Discharges. (SL 2020-18)

Sections 15.(a) and 15.(b) of S.L. 2020-18 provide that nutrient offset credits must be applied to a wastewater permit by applying the Total Maximum Daily Load (TMDL) transport factor to the permitted wastewater discharge and to the nutrient offset credits. These sections apply only to wastewater discharge permit applications for a local government located in the Neuse River Basin with a customer base of fewer than 15,000 connections.

Section 15.(c) provides that no later than August 1, 2020, the Department of Environmental Quality (DEQ), in conjunction with affected parties, must begin modeling necessary to determine new transport zones and delivery factors for the Neuse River Basin for point source discharges and nutrient offset credits. Once DEQ completes that modeling, the Environmental Management Commission must then adopt new transport zones and delivery factors by rule, using the DEQ modeling and other information provided during the public comment period.

This section became effective June 12, 2020. Sections 15.(a) and 15.(b) expire when the rule required by Section 15.(c) becomes effective.

S390 - DuPont State Forest-Financial Study. (SL 2020-16)

Session Law 2020-16 directs the Department of Agriculture and Consumer Services to study DuPont State Recreational Forest's operating model and create a plan to ensure a sustainable revenue stream for the Forest, and distributes a portion of the gross proceeds from the sale of State-owned real property located outside the State Capitol Area to the Clean Water Management Trust Fund and the Parks and Recreation Trust Fund.

This act became effective June 12, 2020.

S681 - Agency Policy Directives/2019-2020.

Sec. 6.1: Commerce Report Change. (SL 2020-78)

Section 6.1 of this act amends G.S. 143B-434.01(b) by changing the recipients of the Comprehensive Strategic Economic Development Plan annual update sent each year by the Secretary of Commerce.

This section became effective July 1, 2020.

S681 - Agency Policy Directives/2019-2020.

Sec. 7.1: Septage Management Program Permitting Time Line Amendments. (SL 2020-78)

Section 7.1 of S.L. 2020-78 moves the deadline to submit an application and annual fee for the septage management program from January 1 to December 15, and moves the deadline by which the Department of Environmental Quality must mail renewal fee reminders from November 1 to October 1.

EFFECTIVE DATE: This section became effective July 1, 2020.

S681 - Agency Policy Directives/2019-2020.

Sec. 7.2: DEQ Report Changes. (SL 2020-78)

Section 7.2 of S.L. 2020-78 moves the reporting date for certain Department of Environmental Quality reports, largely related to solid waste, from January 15 to April 15, makes other conforming changes, and changes the recipient of annual reports relating to the use of federal dredging funds from the Joint Legislative Commission of Governmental Operations to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources.

EFFECTIVE DATE: This section became effective July 1, 2020.

S681 - Agency Policy Directives/2019-2020.

Sec. 7.3: Investment Flexibility and Retained Earnings for Environmental Funds. (SL 2020-78)

Sec. 7.3 of S.L. 2020-78 amends a statute directing the State Treasurer to invest the cash of certain enumerated funds to include the Riparian Buffer Restoration Fund, adds that fund, as well as the Ecosystem Restoration Fund, to a list of certain funds that can be invested in a broader range of investments by the State Treasurer, and allows the funds to retain the interest or other investment income earned.

This section became effective July 1, 2020.

S681 - Agency Policy Directives/2019-2020.

Sec. 7.4: Conservation Grant Fund Changes. (SL 2020-78)

Sec. 7.4 of S.L. 2020-78 makes various changes to the statutes governing the Conservation Grant Fund (Fund), including changes that allow: (i) additional uses for the Fund, to include acquisition of conservation properties and easements and to steward properties held by deed or conservation easement by the State; and (ii) grant eligibility for a conservation property that has been previously restored, or is a high-quality preservation (in addition to properties that are "reasonably restorable," which were previously eligible).

This section became effective July 1, 2020.

S681 - Agency Policy Directives/2019-2020.

Sec. 8.1: State Liaison for Federal Land and Water Conservation Fund. (SL 2020-78)

Section 8.1 of S.L. 2020-78 clarifies language designating the Director of the Division of Parks and Recreation within the Department of Natural and Cultural Resources as the State liaison officer with respect to funding received from the federal Land and Water Conservation Fund or any successor fund.

EFFECTIVE DATE: This section became effective July 1, 2020.

S681 - Agency Policy Directives/2019-2020.

Sec. 8.2: DNCR Report Changes. (SL 2020-78)

Section 8.2 of S.L. 2020-78 requires the Department of Natural and Cultural Resources (DNCR) to submit a report to the Joint Legislative Oversight Committee on Agriculture and Natural and Economics Resources yearly by October 15th detailing fees charged in the previous fiscal year at all historic sites, museums, aquariums, State parks, the North Carolina Zoological Park, and the U.S.S. North Carolina Battleship. The report must include the amount and type of fee charged, total fee amount collected and how the funds were expended, breakdowns of paying visitors and fee waivers, any fee changes and justifications, number of days a site was open to visitors, and any plans to change fees in the upcoming year. This section also makes conforming changes to certain DNCR statutes.

EFFECTIVE DATE: This section became effective July 1, 2020.

S681 - Agency Policy Directives/2019-2020.

Sec. 8.3: Natural Heritage Program Administration and Fund Correction. (SL 2020-78)

Sec. 8.3 of S.L. 2020-78 clarifies and conforms existing laws applicable to the Natural Heritage Program (NHP) to reflect the 2015 reorganization transferring the Natural Heritage Program from the Department of Environmental Quality (DEQ) to the Department of Natural and Cultural Resources (DNCR). The provision clarifies the treatment of fees collected by DNCR for the Natural Heritage Program, and transfers all duties and responsibilities related to stewardship and oversight of properties and interests for which tax credits for tax years beginning before January 1, 2014, were granted under the Conservation Tax Credit

program from DEQ to DNCR, specifying that those duties and responsibilities transferred must be exercised through the Natural Heritage Program.

This section became effective July 1, 2020.

S681 - Agency Policy Directives/2019-2020.

Sec. 8.5: Report on Attractions Marketing. (SL 2020-78)

Section 8.5 of S.L. 2020-78 directs the Department of Natural and Cultural Resources to study and report on the marketing of the North Carolina Zoological Park, the North Carolina Aquariums, and the North Carolina State Museum of Natural Sciences, including marketing conducted by affiliated or independent support or friends organizations. The report must include, for the 2018-2019 and 2019-2020 fiscal years, all public and private funds spent on marketing, identification of new or innovative marketing techniques that currently lack funding, the scope and effectiveness of collaborative marketing with other agencies or corporations, and how current marketing programs are evaluated. This report was due to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources and the Fiscal Research Division no later than October 15, 2020.

EFFECTIVE DATE: This section became effective July 1, 2020.

S704 - COVID-19 Recovery Act .

Sec. 4.18: Allow Licensed Soil Scientists to Evaluate, Inspect, and Approve On-Site Wastewater System Projects During the Coronavirus Emergency. (SL 2020-3)

Sec. 4.18 of 2020-3 authorized an individual licensed as a soil scientist to prepare signed and sealed soil and site evaluations, specifications, plans, and reports for the site layout, construction, operation, and maintenance of a wastewater system without needing any further certification from the North Carolina On-Site Wastewater Contractors and Inspectors Board. While this section was effective, a licensed soil scientist was also authorized to conduct all necessary inspections, certifications, and approvals, including the issuance of the final inspection and report. Such authority was at the direction of the owner of a proposed on-site wastewater.

EFFECTIVE DATE: This section became effective May 4, 2020, and expired August 1, 2020. However, the expiration of this section does not prevent a licensed soil scientist acting under this section's authority from completing a proposed wastewater system begun before this section expired.

S704 - COVID-19 Recovery Act.

Sec. 4.34: Floodplain Maps by Incorporation into Local Ordinances. (SL 2020-3)

Section 4.34 of S.L. 2020-3 allows land use development ordinances adopted by a county or city to reference or incorporate by reference flood insurance rate maps, watershed boundary maps, or other maps officially adopted or promulgated by State and federal agencies and authorizes those ordinances or zoning maps to incorporate by reference the most recent officially adopted version of such maps. This section also authorizes land use development ordinances to provide that the zoning district boundaries are automatically amended to remain consistent with changes in the officially promulgated State or federal maps, provided a

copy of the currently effective version of any incorporated map is maintained for public inspection by the county or city. This section became effective May 4, 2020, and expires August 1, 2021.

S704 - COVID-19 Recovery Act .

Secs. 4.19 and 4.20: Solid Waste Emergency Measures . (SL 2020-3)

Section 4.19 of S.L. 2020-3 authorizes implementation of emergency measures for the management and disposal of solid waste, and Section 4.20 authorizes waivers to allow the disposal of yard trash in a landfill, during the Coronavirus emergency. These sections became effective May 4, 2020, and expired on August 1, 2020.

S811 - Connect NC Park Facilities Operating Reserves. (SL 2020-42)

S.L. 2020-42 transfers funds from the Pay Plan Reserve and the Parks and Recreation Trust Fund to the Department of Natural and Cultural Resources for up to 19 full-time equivalent positions, equipment, and other nonrecurring expenses for State parks expanded or improved through Connect NC bonds.

This act became effective July 1, 2020.

S812 - Agricultural Sciences Center Funds. (SL 2020-44)

S.L. 2020-44 provides \$10.1 million in funding for the Department of Agriculture and Consumer Services' new Agricultural Sciences Center by reallocating existing cash balances from four different sources.

This act became effective July 1, 2020.