

# Utilities

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.

## **H308 - Regulatory Reform Act of 2020.**

### **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.

## **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. 30: Broadband Easements. (SL 2020-74)**

Section 30 of S.L. 2020-74 clarifies that with regard to easements held by electric membership corporations and their subsidiaries for electrification and to supply high-speed broadband, the corporations and subsidiaries must comply with applicable requirements related to notice, safety, and permitting requirements when constructing or maintaining lines or broadband fiber on, over, under, or across property owned by a railroad company.

This section became effective July 1, 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.

### **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. 1: Require Utility Companies to Dispose of Certain Unused Easements Under Certain Circumstances. (SL 2020-18)**

Section 1 of S.L. 2020-18 creates a process by which the underlying fee owner of land encumbered by any easement acquired by a utility company, on which the utility company has not commenced construction within 20 years of the date of acquisition, may file a complaint with the Utilities Commission for an order requiring the utility company to terminate the easement in exchange for payment by the underlying fee owner of the current fair market value of the easement. If the utility company does not agree that the easement should be terminated, the utility company may request a determination from the Utilities Commission as to whether the easement is necessary or advisable for the utility company's long range needs for the provision of utilities to serve its service area, and whether termination of the easement would be contrary to the interests of the using and consuming public. If the parties cannot reach a mutually agreeable fair market value, the Utilities Commission must request the clerk of superior court in the county where the easement is located to appoint commissioners to determine the fair market value in accordance with the eminent domain valuation process.

This section became effective October 1, 2020, and applies to easements acquired on or after that date.

### **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.