

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

H

2

HOUSE BILL 1124\*  
Committee Substitute Favorable 5/8/91

Short Title: Env. Tech. Corrections.

(Public)

Sponsors:

Referred to:

April 24, 1991

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL  
3 AMENDMENTS TO VARIOUS LAWS RELATING TO ENVIRONMENT,  
4 HEALTH, AND NATURAL RESOURCES.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 74-53(3) reads as rewritten:

7 "(3) ~~In open cast~~ At open pit mining operations, all overburden and spoil  
8 shall be left in a configuration which is in accordance with accepted  
9 conservation practices and which is suitable for the proposed  
10 subsequent use of the land."

11 Sec. 2. G.S. 104E-8(c)(6) reads as rewritten:

12 "(6) The Division of Radiation Protection of the ~~Department~~ [of  
13 ~~Environment, Health, and Natural Resources~~]; Department."

14 Sec. 3. G.S. 104E-8(g) reads as rewritten:

15 "(g) All clerical and other services required by the Commission shall be supplied  
16 by the ~~Secretary of Environment, Health, and Natural Resources~~ Secretary."

17 Sec. 4. G.S. 115C-323 is amended by deleting the phrase "Secretary of  
18 Human Resources" and substituting "Secretary of Environment, Health, and Natural  
19 Resources".

20 Sec. 5. G.S. 120-70.33(3) reads as rewritten:

21 "(3) To evaluate actions of the Governor's Waste Management Board, the  
22 Radiation Protection Commission, and the ~~Radiation Protection Section~~  
23 of the Department of Human Resources, Division of Radiation Protection

1 of the Department of Environment, Health, and Natural Resources, and  
2 of any other board, commission, department, or agency of the State or  
3 local government as such actions relate to low-level radioactive waste  
4 management;"

5 Sec. 6. G.S. 130A-11 reads as rewritten:

6 **"§ 130A-11. Residencies in public health.**

7 The Department shall establish a residency program designed to attract physicians  
8 and dentists into the field of public health and to train them in the specialty of public  
9 health practice. The program shall include practical experience in public health  
10 principles and practices."

11 Sec. 7. G.S. 130A-290(b) is amended by deleting the citation "G.S.130A-  
12 309.17" and substituting "G.S. 130A-309.24".

13 Sec. 8. G.S. 130A-310.5(c) reads as rewritten:

14 "(c) The cost of any action by the Secretary pursuant to this section may be paid  
15 from the Inactive Hazardous Sites Cleanup Fund, or the ~~Emergency Hazardous Waste Site~~  
16 ~~Remedial Fund~~ [Emergency Response Fund] Emergency Response Fund established  
17 pursuant to G.S. 130A-306, subject to a later action for reimbursement pursuant to G.S.  
18 130A-310.7."

19 Sec. 9. G.S. 143-214.5(g) reads as rewritten:

20 "(g) Civil Penalties. – A local government which fails to adopt a local water  
21 supply watershed protection program as required by this section shall be subject to a  
22 civil penalty pursuant to G.S. ~~143-215.6(a)(5)~~ 143-215.6A(e). In any area of the State  
23 which is not covered by an approved local water supply watershed protection program,  
24 any person who violates or fails to act in accordance with any statewide minimum  
25 management requirement established pursuant to this section shall be subject to a civil  
26 penalty as specified in G.S. ~~143-215.6(a)(1)g~~ 143-215.6A(a)(7)."

27 Sec. 10. G.S. 143-215.36(b)(4) reads as rewritten:

28 "(4) ~~If the person assessed fails to pay the amount of the assessment to the~~  
29 ~~Department within 30 days after receipt of notice, the Commission~~  
30 ~~may request the Attorney General to institute a civil action in the~~  
31 ~~superior court of the county or counties in which the person assessed~~  
32 ~~resides or has his or its principal place of business, to recover the~~  
33 ~~amount of the assessment.~~—The Secretary shall notify any person  
34 assessed a civil penalty of the assessment and the specific reasons  
35 therefor by registered or certified mail, or by any means authorized by  
36 G.S. 1A-1, Rule 4. Contested case petitions shall be filed within 30  
37 days of receipt of the notice of assessment."

38 Sec. 11. G.S. 143-215.36(b)(7) reads as rewritten:

39 "(7) The Secretary may delegate his powers and duties under this section to  
40 the Director of the Division of ~~Environmental Management~~ Land  
41 Resources of the Department."

42 Sec. 12. G.S. 143-215.45 reads as rewritten:

43 **"§ 143-215.45. Transfer of right of withdrawal.**

1 A person with a right of withdrawal may assign or transfer it in whole or in part to  
2 another, subject to those rights of reassignment or transfer by the State specified in G.S.  
3 ~~143-354(11)~~. ~~143-354(a)(11)~~. A person who has a right of withdrawal of excess volume  
4 of water by virtue of an assignment or transfer has an interest in water superior to other  
5 interests only to the extent that his withdrawal is in accordance with the terms of the  
6 assignment or transfer."

7 Sec. 13. G.S. 143-215.94EE(b) reads as rewritten:

8 "(b) Any unexplained discharge of oil, natural gas or drilling wastes occurring in  
9 waters beyond the jurisdiction of the State that for any reason penetrates within State  
10 jurisdiction shall be removed by or under the direction of the Department. Except for  
11 any expenses incurred by the responsible person, should such person become known, all  
12 expenses incurred in the removal of such discharges shall be paid promptly by the State  
13 from the ~~'Oil and Oil or Other Hazardous Substances Pollution Protection Fund'~~ Fund  
14 established pursuant to G.S. 143-215.87 or from any other available sources. In the case  
15 of unexplained discharges, the matter shall be referred by the Secretary to the North  
16 Carolina Attorney General for collection of damages pursuant to G.S. 143-215.94FF of  
17 this Part. At his discretion, the Attorney General may refer the matter to the State  
18 Bureau of Investigation or other appropriate State or federal authority to determine the  
19 identity of the responsible person."

20 Sec. 14. G.S. 143-215.94II(d) reads as rewritten:

21 "(d) In addition to the powers enumerated in G.S. 14-288.15, in the case of such  
22 an emergency described in subsection (a) of this section, the Governor is further  
23 authorized and empowered to transfer any funds available to him by statute for  
24 emergency use into the ~~'Oil and Oil or Other Hazardous Substances Pollution Protection~~  
25 ~~Fund'~~ Fund created pursuant to G.S. 143-215.87, to be utilized for the purposes specified  
26 therein."

27 Sec. 15. (a) G.S.143-350 reads as rewritten:

28 **"§ 143-350. Definitions.**

29 ~~Definitions as~~ As used in this Article:

30 (1) ~~'Environmental Management Commission'~~ 'Commission' means the  
31 Environmental Management ~~Commission created by G.S. 143B-282.~~  
32 Commission.

33 (2) 'Department' means the Department of Environment, Health, and  
34 ~~Natural Resources created by G.S. 143-212.~~ Resources."

35 (b) The Revisor of Statutes shall delete the phrase "Environmental Management  
36 Commission" wherever it occurs in Article 38 of Chapter 143 of the General Statutes  
37 and substitute the word "Commission".

38 Sec. 16. (a) The first sentence of Section 31 of Chapter 1004 of the 1989  
39 Session Laws (1990 Regular Session) is amended by deleting "143-279.3" and  
40 substituting "143B-279.3".

41 (b) G.S. 143B-279.3(b)(18), as amended by Section 31 of Chapter 1004 of the  
42 1989 Session Laws (1990 Regular Session) and subsection (a) of this section, is  
43 amended by inserting the word "Heritage" between the word "Natural" and the word  
44 "Trust".

1 (c) Sections 223, 224, 226, and 227 of Chapter 727 of the 1989 Session Laws  
2 apply to this section and to G.S. 143B-279.3, as amended by Section 31 of Chapter  
3 1004 of the 1989 Session Laws (1990 Regular Session) and this section.

4 (d) This section is effective on and after 1 July 1989.

5 Sec. 17. G.S. 143B-285.11(4) reads as rewritten:

6 "(4) 'Hazardous waste ~~landfill~~-disposal facility' has the same meaning as in  
7 G.S. 130A-290."

8 Sec. 18. G.S. 153A-299.4 reads as rewritten:

9 **"§ 153A-299.4. Approval by Department of ~~Human~~-Environment, Health, and**  
10 **Natural Resources.**

11 The Department of ~~Human~~-Environment, Health, and Natural Resources must  
12 approve all contracts entered into pursuant to this Part before such contract may become  
13 effective."

14 Sec. 19. Except as otherwise provided herein, this act is effective upon  
15 ratification.