

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 934

Short Title: Env. Clarifying/Conforming/Tech. Corr.

(Public)

Sponsors: Representative Nichols.

Referred to: Health and Environment, if favorable, Judiciary I.

April 12, 1995

A BILL TO BE ENTITLED

1 AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL CHANGES
2 TO VARIOUS LAWS RELATING TO ENVIRONMENT, HEALTH, AND
3 NATURAL RESOURCES AND RELATED LAWS.
4

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 7A-29(a) reads as rewritten:

7 "(a) From any final order or decision of the North Carolina Utilities Commission
8 not governed by subsection (b) of this section, the Department of Human Resources
9 under G.S. 131E-188(b), the Commissioner of Banks under Articles 17, 18, 18A, and 21
10 of Chapter 53 of the General Statutes, the Administrator of Savings and Loans under
11 Article 3A of Chapter 54B of the General Statutes, the North Carolina Industrial
12 Commission, the North Carolina State Bar under G.S. 84-28, the Property Tax
13 Commission under G.S. 105-290 and G.S. 105-342, the Commissioner of Insurance
14 under G.S. 58-2-80, or the Secretary of Environment, Health, and Natural Resources
15 under G.S. ~~104E-6.2~~, 104E-6.2 or G.S. 130A-293, appeal as of right lies directly to the
16 Court of Appeals."

17 Sec. 2. G.S. 104E-5(14b) reads as rewritten:

18 "(14b) 'Secretary' means the Secretary of ~~the Department of~~ Environment,
19 Health, and Natural Resources."
20

Sec. 3. G.S. 104F-4 reads as rewritten:

1 **"§ 104F-4. Advisory Committee.**

2 (a) The Advisory Committee to the North Carolina Members of the Low-Level
3 Radioactive Waste Management Compact Commission is hereby created. It shall consist
4 of seven voting members, two to be appointed by the Governor, who shall be members of
5 the Radiation Protection Commission, two by the President of the Senate, and two by the
6 Speaker of the House of Representatives. ~~The Chief of the Radiation Protection Section~~
7 Director of the Division of Facility Services-Radiation Protection of the Department of
8 Environment, Health, and Natural Resources shall be an ex officio member. The
9 members shall serve for two-year terms. A vacancy in membership shall be filled by the
10 appointing authority who made the initial appointment. A member whose term expires
11 may be reappointed.

12 (b) It shall be the duty of the Committee to consult with and advise the State's
13 representatives to the Compact Commission concerning technical and policy matters.

14 (c) The Governor shall appoint the Committee chairman and he may be
15 reappointed. The Committee shall meet at such times and places as the chairman shall
16 designate. The facilities of the State Legislative Building and the Legislative Office
17 Building shall be available to the Committee, subject to approval of the Legislative
18 Services Commission. Legislative members of the Committee shall be reimbursed for
19 subsistence and travel expenses at the rates set out in G.S. 120-3.1. Members of the
20 Committee who are not officers or employees of the State shall receive compensation and
21 reimbursement for travel and subsistence expenses at the rates specified in G.S. 138-5.
22 Members of the Committee who are officers or employees of the State shall receive
23 reimbursement for travel and subsistence expenses at the rate set out in G.S. 138-6.

24 (d) Subject to the approval of the Legislative Services Commission, the staff
25 resources of the Legislative Services Commission shall be available to the Committee
26 without cost except for travel, subsistence, supplies, and materials. The Committee may
27 solicit, employ, or contract for technical assistance and clerical assistance and may
28 purchase or contract for the materials and services it needs."

29 Sec. 4. G.S. 113A-105(b) reads as rewritten:

30 "(b) The Coastal Resources Advisory Council shall consist of not more than ~~47~~45
31 members appointed or designated as follows:

32 (1) Two individuals designated by the Secretary from among the employees
33 of ~~his~~the Department;

34 (1a) The Secretary of ~~the Department of Commerce~~ or ~~his designee~~; person
35 designated by the Secretary of Commerce;

36 (2) The Secretary of ~~the Department of Administration~~ or ~~his designee~~; person
37 designated by the Secretary of Administration;

38 (3) The Secretary of ~~the Department of Transportation and Highway Safety~~ or
39 ~~his designee~~; person designated by the Secretary of Transportation; and
40 one additional member selected by ~~him~~the Secretary of Transportation
41 from his Department; the Department of Transportation;

42 (4) The State Health ~~Director~~; Director or person designated by the State
43 Health Director;

- 1 (5) The Commissioner of Agriculture or ~~his designee~~; person designated by
2 the Commissioner of Agriculture;
- 3 (6) The Secretary of ~~the Department of~~ Cultural Resources or ~~his designee~~;
4 person designated by the Secretary of Cultural Resources;
- 5 (7) One member from each of the four multi-county planning districts of the
6 coastal area to be appointed by the lead regional agency of each district;
- 7 (8) One representative from each of the counties in the coastal area to be
8 designated by the respective boards of county commissioners;
- 9 (9) No more than eight additional members representative of cities in the
10 coastal area and to be designated by the Commission;
- 11 (10) Three members selected by the Commission who are marine scientists
12 or technologists;
- 13 (11) One member who is a local health director selected by the Commission
14 upon the recommendation of the Secretary."

15 Sec. 5. G.S. 120-70.2 reads as rewritten:

16 **"§ 120-70.2. Appointment of members and organization.**

17 The Joint Committee shall consist of six sitting members of the General Assembly.
18 Three shall be appointed by the President Pro Tempore of the Senate from the
19 membership of the Senate and three shall be appointed by the Speaker of the House of
20 Representatives from the membership of the House. Members will serve at the pleasure
21 of their appointing officer and any vacancies occurring on the Joint Committee shall be
22 filled by the ~~presiding~~ appointing officer of the appropriate house. The President Pro
23 Tempore of the Senate shall designate one Senator to serve as cochairman and the
24 Speaker of the House of Representatives shall designate one Representative to serve as
25 cochairman. A quorum shall consist of four members."

26 Sec. 6. (a) G.S. 130A-444(3a), as enacted by Section 2 of Chapter 686 of the
27 1993 Session Laws (1994 Regular Session), reads as rewritten:

28 "(3a) 'Asbestos NESHAP for ~~renovations and demolitions~~' demolition and
29 renovation' means ~~Title II, National Emission Standards for Hazardous~~
30 ~~Air Pollutants, specifically those regulations pertaining to regulation of~~
31 ~~asbestos in renovations and demolitions of the Clean Air Act, 42 U.S.C.~~
32 ~~§ 7401, et seq., as amended. that portion of the National Emission~~
33 Standards for Hazardous Air Pollutants for asbestos that governs
34 demolition and renovation as set out in 40 Code of Federal Regulations
35 §§ 61.141, 61.145, 61.150, and 61.154 (1 July 1993 Edition)."

36 (b) G.S. 130A-444(7), as amended by Section 2 of Chapter 686 of the 1993
37 Session Laws (1994 Regular Session), reads as rewritten:

38 "(7) 'Public area' means those areas in any building other than a residence
39 that are not covered under the Occupational Safety and Health Act of
40 1970, Pub. L. 91-596, 84 Stat. 1590 ~~(codified as amended in scattered~~
41 ~~sections of U.S.C.)~~ 1590, 29 U.S.C. § 651, et seq., as amended."

1 (c) Chapter 686 of the 1993 Session Laws (1994 Regular Session) is amended by
2 deleting the phrase "renovations and demolitions" in each place it appears and
3 substituting the phrase "demolition and renovation".

4 Sec. 7. G.S. 130A-452, as enacted by Section 7 of Chapter 686 of the 1993
5 Session Laws (1994 Regular Session), reads as rewritten:

6 **"§ 130A-452. Local air pollution control programs.**

7 (a) The Department may authorize any local air pollution control program to adopt
8 and enforce the asbestos NESHAP for ~~renovations and demolitions~~ demolition and
9 renovation if that local air pollution control program is certified by the North Carolina
10 Environmental Management Commission pursuant to G.S. 143-215.112. The
11 Department shall authorize any local air pollution control program to adopt and enforce
12 the asbestos NESHAP for ~~renovations and demolitions~~ demolition and renovation if the
13 local air pollution control program was certified by the North Carolina Environmental
14 Management Commission pursuant to G.S. 143-215.112 prior to 1 October ~~1~~, 1994. A
15 local air pollution control program shall continue to be authorized by the Department to
16 enforce the asbestos NESHAP for ~~renovations and demolitions~~ demolition and renovation
17 so long as the local air pollution control program maintains its certification under G.S.
18 143-215.112 and complies with any rules adopted by the Commission for Health Services
19 pursuant to subsection (b) of this section. Any local air pollution control program
20 authorized to adopt and enforce the asbestos NESHAP for demolition and renovation
21 shall have the authority to enforce the asbestos NESHAP for demolition and renovation
22 under the provisions of G.S. 130A-18, 130A-22(b1), 130A-22(b2), and 130A-25.
23 Judicial review of an administrative penalty assessed under G.S. 130A-22(b1) and G.S.
24 130A-22(b2) shall be as provided in G.S. 143-215.112(d2)(1) and Article 4 of Chapter
25 150B of the General Statutes.

26 (b) The Commission for Health Services shall adopt rules regarding the
27 authorization of local air pollution control programs to enforce the asbestos NESHAP for
28 ~~renovations and demolitions~~ demolition and renovation."

29 Sec. 8. G.S. 143-215.107(a)(5), as amended by Section 6 of Chapter 686 of the
30 1993 Session Laws (1994 Regular Session), reads as rewritten:

31 "(5) To develop and adopt emission control standards as in the judgment of
32 the Commission may be necessary to prohibit, abate, or control air
33 pollution commensurate with established air quality standards. The
34 standards may be applied uniformly to the State as a whole or to any
35 area of the State designated by the Commission. This subdivision does
36 not apply to ~~asbestos NESHAP for renovations and demolitions~~, defined in
37 G.S. 130A-444, that are subject to regulation by the Commission for Health
38 Services under Article 19 of Chapter 130A of the General Statutes. that
39 portion of the National Emission Standards for Hazardous Air
40 Pollutants for asbestos that governs demolition and renovation as set out
41 in 40 Code of Federal Regulations § 61.145 (1 July 1993 Edition)."

42 Sec. 9. G.S. 143-215.96 reads as rewritten:

43 **"§ 143-215.96. Oil terminal facility registration.**

1 (a) ~~Prior to November 10, 1973, the~~ The owner or operator of every oil terminal
2 facility in the State shall secure a registration certificate from the ~~Secretary of Natural and~~
3 ~~Economic Resources. Such a certificate shall be issued only where the applicant shall~~
4 ~~have furnished the following information concerning the oil terminal facility: Secretary.~~
5 The Secretary shall not issue a registration certificate until the owner or operator has
6 furnished the following information:

- 7 (1) Complete name of the owner and operator of the oil terminal facility
8 together with addresses and telephone numbers;
- 9 (2) Number of employees of the oil terminal facility and the principal
10 officers;
- 11 (3) Maps or sketches, based on criteria developed by the ~~Secretary of Natural~~
12 ~~and Economic Resources to show~~ Secretary, showing property lines of the
13 oil terminal facility and location of nearby watercourses or bodies of
14 water as specified by the Secretary; and
- 15 (4) Summary of present and proposed procedures, if any, for prevention of
16 oil spills.

17 (b) The owner or operator of ~~any an~~ an oil terminal facility ~~which begins operation~~
18 ~~subsequent to the initial registration date specified in this section shall secure a registration~~
19 ~~certificate no later than 30 days after beginning operations. the oil terminal facility begins~~
20 operation."

21 Sec. 10. G.S. 150B-21.5(a) reads as rewritten:

22 "(a) Amendment. – An agency is not required to publish a notice of rule making in
23 the North Carolina Register or hold a public hearing when it proposes to amend a rule,
24 without changing the substance of the rule, to do one of the following:

- 25 (1) Reletter or renumber the rule or subparts of the rule.
- 26 (2) Substitute one name for another when an organization or position is
27 renamed.
- 28 (3) Correct a citation in the rule to another rule or law when the citation has
29 become inaccurate since the rule was adopted because of the repeal or
30 renumbering of the cited rule or law.
- 31 (4) Change information that is readily available to the public, such as an
32 address or a telephone number.
- 33 (5) Correct a typographical error ~~made in entering the rule in~~ the North
34 Carolina Administrative Code.
- 35 (6) Change a rule in response to a request or an objection by the
36 Commission."

37 Sec. 11. This act is effective upon ratification.