

Environmental Legislation that Pertains to Government Agencies



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General Assembly of North Carolina**

2010 Legislative Session Overview

- **“Short” Session**

- May 12, 2010 through July 10, 2010.

- 196 laws enacted.

- Focus on:

- Budget

- Ethics reform

- “Sweepstakes”

- Budget

- Budget

Key Environmental Legislation 2010

Topics

- **Development**
- **Application of SEPA**
- **Waste management**
- **Water quality and quantity management**
- **Energy and energy efficiency**
- **New studies**

House Bill 1766 / S.L. 2010-180 (= S1167)

2009-2010 Session

Amend Environmental Laws 2010.

View Bill Digest	
Text	Fiscal Note
Filed [HTML]	-
Edition 1 [HTML]	-
Edition 2 [HTML]	-
Edition 3 [HTML]	HFN1766v3
Edition 4 [HTML]	-
Edition 5 [HTML]	-
Edition 6 [HTML]	-
Ratified [HTML]	-
SL2010-180 [HTML]	-

Status:	Ch. SL 2010-180 on 08/02/2010
Sponsors	
Primary:	Gibson;
Co:	Harrison; Hughes; Tarleton;
Attributes:	Public; Text has changed;

Vote History									
Date	Subject	RCS #	Aye	No	N/V	Exc. Abs.	Exc. Vote	Total	Result
07/09/2010 10:29PM	M11 Concur\Sen. Amd. 4	[H] - 1808	106	3	4	7	0	109	PASSED
07/09/2010 10:51PM	M11 Concur	[H] - 1809	99	10	4	7	0	109	PASSED

Viewing Last 2 Vote(s) [View All Votes](#)

History		
Date	Chamber	Action
05/17/2010	House	Filed
05/18/2010	House	Passed 1st Reading
05/18/2010	House	Ref to the Com on Environment and Natural Resources, if favorable, Finance
07/01/2010	House	Reptd Fav Com Substitute
07/01/2010	House	Re-ref Com On Finance
07/06/2010	House	Reptd Fav Com Sub 2

In the Spotlight

- Fiscal Research Division
- Legislative Drafting Division
- Program Evaluation Division
- Research Division
- Legislative Publications
- NCGA Career Opportunities**

Shortcuts

- General Statutes
- Session Laws
- Help
- Make the NCGA Web Site my home page

Member Look Up

Select a member...

Find Bills By Number

Session:

enter bill # (e.g., S25)
ex.: S253 or H34

Search Bill Text

Session:

type search criteria

Who Represents Me?

zin+4 (e.g., 27603-5)

Development:

Sustainable Communities Task Force

S.L. 2010-31, §13.5

- **Establishes interagency task force focused on healthy, safe, walkable communities.**
- **Establishes NC Sustainable Communities Grant Fund administered by the Task Force to:**
 - Provide funding to regional bodies and local governments to improve certain regional planning efforts.
 - Increase capacity to improve land use and zoning.
 - Provide up to 50% in matching funds for recipients of federal sustainability grants.

Development:

Urban Growth and Infrastructure Comm. Report
S.L. 2010-152, §21

- **Provides that the Legislative Study Commission on Urban Growth and Infrastructure must submit its final report on or before the convening of the 2011 General Assembly (January 26, 2011).**

Development:

Permit Extensions

S.L. 2010-177

- **Amends 2009 laws pertaining to development approval extensions:**
 - Extends suspension of the running time for an additional year to December 31, 2011.
 - Provides an opt-out for local governments.
 - Establishes conditions that must be met in order for the extension to apply.
 - Authorizes local governments to terminate an extension if holder fails to comply with conditions.

Development:

Notice Requirements for Permit Fee Changes

S.L. 2010-180, §11

- **Amends notice requirements for government entities when considering imposing or increasing fees or charges related to subdivision development:**
 - Notice at least 7 days prior to meeting using two of the following means of communication:
 - Prominent location on Website managed by the entity.
 - Prominent physical location.
 - Electronic mail to list of interested parties.
 - Fax to list of interested parties.
- **Does not apply to the filing, publication, and hearings for budgets.**

Application of SEPA:

Application of SEPA to Incentives and

Amendment to Effective Date

S.L. 2010-186 and S.L. 2010-188

- **Provides that an environmental document is not required for a project for which public monies are expended if:**
 - The expenditure is solely for payment of incentives under an agreement that makes incentive payments contingent on prior completion of the project, or completion on a specified timetable, and a specified level of job creation or new capital investment.
- **Effective June 1, 2010 and does not apply to any project that was the subject of pending litigation prior to that date.**

Waste Management:

Amend Electronics Recycling Law

S.L. 2010-67

- **Requires computer manufacturers to register with DENR by August 1, 2010 and submit a plan for reuse or recycling of computer equipment with 90 days.**
 - Computer manufacturers must implement 1 of 3 plans to collect and recycle equipment discarded by consumers.
- **Defines “consumer.”**

(Cont'd)

Waste Management:

Amend Electronics Recycling Law (Cont'd)

S.L. 2010-67

- **Establishes registration, fees, recycling, and other requirements for television manufacturers.**
- **Directs fees to Electronics Management Fund in DENR:**
 - DENR may use some of the proceeds to administer the program and must distribute the remaining funds to eligible local governments for programs that manage the discarded electronic equipment.
- **Prohibits disposal of discarded computer equipment and televisions in landfills or by incineration beginning July 1, 2011.**

Waste Management:

UST Operator Training Program

S.L. 2010-154

- **Establishes training requirements for operators of regulated USTs and requires:**
 - Primary and emergency response operators designated for each UST.
 - DENR to develop a training program for primary and emergency response operators.
- **Current operators must be trained by August 8, 2012.**

Waste Management:

Recycle Products Containing Mercury

S.L. 2010-180, §14

- **All public agencies that use State funds for the construction or operation of public buildings must recycle all spent fluorescent lights and mercury thermostats (products containing Hg):**
 - Implement a program to collect and recycle products containing Hg by July 1, 2011.
 - Report to DENR and DOA by December 1, 2011.
- **Requires removal of all products containing Hg prior to building demolition.**
- **Prohibits disposal of products containing Hg in unlined landfills.**

Water Quality/Water Quantity:

Improve River Basin Modeling

S.L. 2010-143

- **Directs DENR to develop basinwide hydrologic models for each of the State's river basins.**
 - Establish a schedule prioritizing those basins most likely to suffer water supply shortages or threats to ecological integrity.
- **Models must be designed to simulate water flows in response to different variables, conditions, and scenarios.**
- **Models must be able to predict where and when yield may be inadequate to meet demand.**

Water Quality/Water Quantity:

Modify Water Funding Priorities

S.L. 2010-151

- **Modifies the common criteria applicable to State-funded loans and grants for water and wastewater infrastructure projects and give greater priority to projects that address:**
 - Leaking waterlines
 - Asset management plans
 - High-unit-cost threshold
 - Regionalization
 - State water supply plan
 - Water conservation measures for drought

Water Quality/Water Quantity:

Water Supply System Capacity Planning

S.L. 2010-150

- **Directs a local government that provides public water service or a large community water system to revise its local water supply plan to address foreseeable water needs when 80% of the systems available supply has been allocated or when seasonal demand exceeds 90%.**

Water Quality/Water Quantity:

Amend Water Quality/IBT Laws

S.L. 2010-155

- **Authorizes local governments to jointly implement water quality protection plans for the Falls Lake watershed.**
- **Provides that an applicant for an IBT certificate must pay the notice and public hearing costs associated with environmental documents and the draft determination.**

Water Quality/Water Quantity:

Amend Environmental Laws 2010

S.L. 2010-180

- **Removes annual reporting requirement to customers from permitted WWTS with average annual flow < 200,000 gallons per day (§5).**
- **Clarifies qualification standards for voluntary water conservation and efficiency programs for commercial car washes (§8).**
- **Amends the requirement for separate meters for new in-ground irrigation systems (§16).**

Energy and Energy Efficiency:

Renewable Energy Incentives

S.L. 2010-167, §4

- Clarifies that cities and counties may establish loan loss reserve funds to finance energy improvements and establish other energy programs funded through federal grants.
- Clarifies that cities and counties may use State and federal grants and loans and property taxes to finance energy programs.

Energy and Energy Efficiency:

Local Energy Efficiency/Renewable

S.L. 2010-57 and S.L. 2010-63

- **The City of Asheville, the Towns of Chapel Hill and Carrboro, and Catawba County:**
 - Are exempt from competitive bidding requirements for construction or for equipment used in pilot programs to increase energy efficiency.
 - May approve leases of up to 20 years for the siting of a renewable energy facility without treating the lease as a sale and without providing notice by publication of the intended lease.
- **Authorizations provided expire June 30, 2015.**

Energy and Energy Efficiency:

Univ. Energy Savings/LEA Operational Leases

S.L. 2010-196

- Requires any energy savings realized from implementing an energy conservation measure by UNC constituent institutions remain available to the institution.
- Requires 60% of those savings be used for further energy conservation measures.
- Requires constituent agencies to submit annual reports on the use of the funds to SEO.
- Requires institutions of higher learning include additional information in annual report to SEO.

Studies:

Use and Storage of Reclaimed Water

S.L. 2010-152, §6.5

- **Authorizes the Environmental Review Commission and DENR to study:**
 - The feasibility and desirability of municipal reclaimed water programs for nonconsumptive indoor and outdoor use.
 - The feasibility and desirability of storing reclaimed water in aquifers.
 - Whether reclaimed water can be safely stored and recovered from aquifers.

Studies:

Water Infrastructure Information Needs

S.L. 2010-144

- **Directs DENR to establish a task force to develop:**
 - A statewide survey to supplement existing information to assess infrastructure needs.
 - A plan for incorporating information compiled by USEPA surveys into the State Water Supply Plan.
 - A plan for the creation and maintenance of a statewide infrastructure resource and funding database.
- **Directs DENR and LGC to evaluate measures to oversee public systems to ensure they are operating in a financially-sound manner.**

Studies:

Agency Programs Consider Climate Change S.L. 2010-180, §13

- **Directs several State agencies to:**
 - Review current planning and regulatory programs to determine if they consider impacts of climate change (including adaptation and sea level rise).
 - Describe how such programs consider climate change.
 - Make recommendations for modification or expansion of those programs as determined by the agency.
 - For programs that do not currently consider climate change, recommend if and how the program should address climate change.

Studies:

Coastal Wave Energy Research/Prototype Project S.L. 2010-31, §9.10

- **Directs the NC Coastal Studies Institute to serve as lead agency of a university consortium to study the capture of energy from ocean waves.**
- **\$2 million appropriation to conceptualize, design, construct, operate, and market new technologies designed to harness energy.**
- **The study must also consider ecosystem function and health of the ocean.**

Questions?

To access any of these laws, go to:
<http://www.ncleg.net/>

OR

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