

# FAILED



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 760

**A7**

AMENDMENT NO. \_\_\_\_\_  
(to be filled in by  
Principal Clerk)

H760-ASB-38 [v.2]

Page 1 of 2

Amends Title [NO]  
Third Edition

Date \_\_\_\_\_, 2015

Representative **AGER**  
~~S. Martin~~

1 moves to amend the bill on page 18, lines 23 through 37,  
2 by rewriting the lines to read:

3  
4 "(b) Exemption. – Absent a requirement of federal law or an imminent threat to public  
5 health or safety, an applicable buffer rule shall not apply to any tract of land that meets all of  
6 the following criteria:

7 (1) The Department of Environment and Natural Resources has certified that  
8 riparian buffer requirements are no longer needed in the river basin or  
9 watershed where the tract is located to achieve or maintain water quality  
10 standards. In river basins or watersheds subject to federal approved Total  
11 Maximum Daily Load developed under 40 Code of Federal Regulations Part  
12 130 because of impaired water quality, the Department shall certify that the  
13 riparian buffer requirements can be removed without requiring additional  
14 pollutant reductions from agricultural operations, wastewater dischargers, or  
15 stormwater dischargers to meet the Total Maximum Daily Load.

16 (2) With the exception set forth in subsection (c) of this section, the tract was  
17 platted and recorded in the register of deeds in the county where the tract is  
18 located prior to the effective date of the applicable buffer rule.

19 (3) Other than the applicable buffer rule, the use of the tract complies with either  
20 of the following:

21 a. The rules and other laws regulating and applicable to that tract on the  
22 effective date for the applicable buffer rule set out in subsection (a)  
23 of this section.

24 b. The current rules, if the application of those rules to the tract was  
25 initiated after the effective date for the applicable buffer rule by the  
26 unit of local government with jurisdiction over the tract and not at the  
27 request of the property owner."



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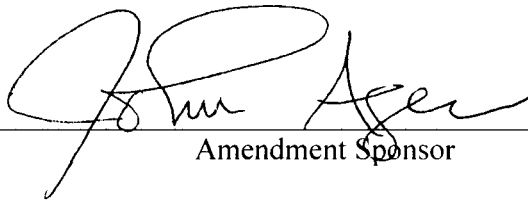
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Page 2 of 2

SIGNED  \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_

**The official copy of this document, with signatures  
and vote information, is available in the  
House Principal Clerk's Office**