

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 1490*

Short Title: Environmental Tech. Corr.

(Public)

Sponsors: Senators Tally; and Sherron.

Referred to: Environment and Natural Resources.

June 4, 1990

A BILL TO BE ENTITLED

AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL
AMENDMENTS TO VARIOUS LAWS RELATING TO ENVIRONMENT,
HEALTH, AND NATURAL RESOURCES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 66-58(b)(2) reads as rewritten:

"(2) The Department of Human ~~Resources~~-Resources, the Department of Environment, Health, and Natural Resources, or the Department of Agriculture for the sale of serums, vaccines, and other like products."

Sec. 2. G.S. 90-85.34A(a)(3) reads as rewritten:

"(3) Only prescription drugs and devices contained in a formulary recommended by the Department of ~~Human Resources~~-Environment, Health, and Natural Resources and approved by the Board shall be dispensed;"

Sec. 3. G.S. 104G-21(e) is amended by deleting "(c)" and substituting "(d)".

Sec. 4. G.S. 113-202.1(c), as enacted by Chapter 423 of the 1989 Session Laws, is amended by deleting "G.S. 113A-202(d)" and inserting in lieu thereof "G.S. 113-202(d)".

Sec. 5. G.S. 104E-6.1(a) and G.S. 130A-293(g) are amended by deleting the word "landfill" each time it occurs and substituting the word "disposal".

Sec. 6. G.S. 130A-101 is amended by adding a new subsection to read:

"(g) Each parent shall provide his or her social security number to the person responsible for preparing and filing the certificate of birth."

Sec. 7. The catch line of G.S. 130A-291 reads as rewritten:

1 **"§ 130A-291. ~~Solid Waste Unit in Department.~~ Division of Solid Waste Management."**

2 Sec. 8. G.S. 130A-291(a) reads as rewritten:

3 "(a) For the purpose of promoting and preserving an environment that is
4 conducive to public health and welfare, and preventing the creation of nuisances and the
5 depletion of our natural resources, the Department shall maintain ~~an appropriate~~
6 ~~administrative unit~~ a Division of Solid Waste Management to promote sanitary
7 processing, treatment, disposal, and statewide management of solid waste and the
8 greatest possible recycling and recovery of resources, and the Department shall employ
9 and retain such qualified personnel as may be necessary to effect such purposes. It is
10 the purpose and intent of the State to be and remain cognizant not only of its
11 responsibility to authorize and establish the statewide solid waste management program,
12 but also of its responsibility to monitor and supervise, through the Department, the
13 activities and operations of units of local government implementing a permitted solid
14 waste management facility serving a specified geographic area in accordance with a
15 solid waste management plan."

16 Sec. 9. G.S. 130A-310.5(c), as amended by Section 4 of Chapter 286 of the
17 1989 Session Laws, is amended by deleting the phrase "Emergency Hazardous Waste
18 Site Remedial Fund" and substituting in lieu thereof "Emergency Response Fund".

19 Sec. 10. G.S. 130A-310.7(a), as amended by Section 6 of Chapter 286 of the
20 1989 Session Laws, is amended by deleting the semicolon following the word
21 "substance" and substituting a comma in lieu thereof.

22 Sec. 11. G.S. 130A-310.22, as enacted by Section 10 of Chapter 286 of the
23 1989 Session Laws, is amended by deleting the phrase "42 U.S.C § 9604(b)(9)" and
24 inserting in lieu thereof "42 U.S.C. § 9604(c)(9)".

25 Sec. 12. G.S. 130A-342(c), as enacted by Chapter 764 of the 1989 Session
26 Laws, reads as rewritten:

27 "(c) The performance of individual aerobic treatment plants is to be documented
28 by the counties and sent to the ~~Department of Human Resources or the Department of~~
29 ~~Environment, Health, and Natural Resources as appropriate.~~ Resources."

30 Sec. 13. G.S. 130B-15(e), as enacted by Chapter 168 of the 1989 Session
31 Laws, reads as rewritten:

32 "(e) The Commission shall provide through its own personnel, private contractors,
33 cooperative agreement with other governmental agencies, or any combination thereof,
34 any active maintenance or remedial actions that may be required. Payment for the cost
35 thereof shall be made from the Long-Term Care Fund established pursuant to ~~G.S. 130B-~~
36 ~~16-~~ G.S. 130B-17."

37 Sec. 14. G.S. 143-439(b) reads as rewritten:

38 "(b) The Pesticide Advisory Committee shall consist of: three practicing farmers;
39 one conservationist (at large); one ecologist (at large); one representative of the
40 pesticide industry; one representative of agribusiness (at large); one local health
41 director; three members of the North Carolina State University School of Agriculture
42 and Life Sciences, at least one of which shall be from the area of wildlife or biology;
43 one member representing the North Carolina Department of Agriculture; one member
44 representing the Department of Environment, Health, and Natural Resources; the State

1 Health ~~Director~~; Director or his designee; one representative of a public utility or
2 railroad company which uses pesticides; one representative of the Board of
3 Transportation; one member of the North Carolina Agricultural Aviation Association;
4 one member of the general public (at large); one member actively engaged in forest pest
5 management; and one member representing the Solid Waste Management Division of
6 the Department of Environment, Health, and Natural Resources. Each State agency
7 represented on the Committee shall be appointed by the head of the agency. Other
8 members of the Committee shall be appointed by the Board."

9 Sec. 15. Subsection (a) of Section 5 of Chapter 426 of the 1989 Session
10 Laws reads as rewritten:

11 "(a) The Environmental Management Commission shall adopt water supply
12 watershed classifications and applicable management requirements as required by ~~G.S.~~
13 ~~143-214.4(b)~~-G.S. 143-214.5(b) no later than 1 January 1991."

14 Sec. 16. Subsection (b) of Section 5 of Chapter 426 of the 1989 Session
15 Laws reads as rewritten:

16 "(b) The Environmental Management Commission shall publish the proposed
17 classification of all existing water supply watersheds under the classifications adopted
18 pursuant to ~~G.S. 143-214.4(b)~~-G.S. 143-214.5(b) no later than 1 January 1991. The
19 Environmental Management Commission shall complete the classification of all
20 existing water supply watersheds no later than 1 January 1992."

21 Sec. 17. G.S. 143-215.1(b1)(4), as enacted by Section 2 of Chapter 354 of
22 the 1989 Session Laws, reads as rewritten:

23 "(4) Requirements of subsection (a) of this section that the Department
24 review and ~~approval~~-approve of each individual facility."

25 Sec. 18. G.S. 143-350 is amended by deleting "G.S. 143-214" and
26 substituting in lieu thereof "G.S. 143B-282".

27 Sec. 19. G.S. 143B-279.4 reads as rewritten:

28 "**§ 143B-279.4. The Department of Environment, Health, and Natural Resources –**
29 **Secretary; Deputy Secretaries.**

30 (a) The Secretary ~~of the Department~~ of Environment, Health, and Natural
31 Resources shall be the head of the Department.

32 (b) The Secretary may appoint two Deputy Secretaries."

33 Sec. 20. G.S. 159I-3(a)(6) as enacted by Chapter 756 of the 1989 Session
34 Laws reads as rewritten:

35 "(6) 'Division' means the ~~Division of Health Services~~-Solid Waste
36 Management Division of the Department of Environment, Health, and
37 Natural Resources and any successor of said Division."

38 Sec. 21. G.S. 159I-7(b), as enacted by Chapter 756 of the 1989 Session
39 Laws, reads as rewritten:

40 "(b) Moneys in the Solid Waste Management Loan Fund may be invested in the
41 same manner as permitted for investments of funds belonging to the State or held in the
42 State treasury. Interest earnings derived from such investments shall be credited to the
43 Fund, credited to such other use as may be provided in a trust agreement or resolution
44 securing any bonds or notes issued under the provisions of this Chapter, or credited to

1 such other use, including the payment of administrative expenses of the Agency, the
2 costs of research for solid waste management programs and the making of grants for
3 such research, as may be directed by the Board.

4 (b1) In connection with solid waste research to be contracted for by the ~~Solid~~
5 ~~Waste Branch, Division,~~ the Secretary of the ~~Department to which that Branch is assigned,~~
6 ~~statutorially, Environment, Health, and Natural Resources~~ shall negotiate, with the Board
7 of the Agency, a memorandum of agreement which shall contain necessary rules and
8 provisions for certifying that proper competitive bid procedures, and when appropriate,
9 proper sole source bid procedures, for contracts have been executed in connection with
10 a Request for Proposals (RFP); and, which shall state that a previously determined one-
11 to-one match requirement from private sector sources has been met in accordance with
12 rules and provisions set out in the memorandum of agreement, and that the Secretary is
13 ready to award a contract for a specified amount. The Treasurer, at the direction of the
14 board, shall certify that funds are available and that the purpose of the contract is
15 consistent with provisions for the use of solid waste loan program proceeds."

16 Sec. 22. G.S. 159I-15(d) is amended in the second sentence by deleting the
17 phrase "place or place" and substituting in lieu thereof the phrase "place or places".

18 Sec. 23. G.S. 159I-15(e) is amended in the third paragraph by deleting the
19 word "at" as it appears in the phrase "such price or prices at the Local Government
20 Commission shall determine" and substituting in lieu thereof the word "as".

21 Sec. 24. G.S. 159I-16(c) is amended in the second sentence by deleting the
22 word "noticed" as it appears in the phrase "irrespective of whether such parties have
23 noticed thereof" and substituting in lieu thereof the word "notice".

24 Sec. 25. G.S. 159I-16(d) is amended by inserting a comma after the word
25 "Agency" as it appears in the phrase "costs of operation of the Agency".

26 Sec. 26. G.S. 159I-30(h) is amended:

27 (a) In the first sentence by deleting the word "form" as it appears in the phrase
28 "40 years form their date" and substituting in lieu thereof the word "from"; and

29 (b) In the second sentence by deleting the phrase "place or place" and substituting
30 in lieu thereof the phrase "place or places".

31 Sec. 27. Section 2 of Chapter 129 of the 1989 Session Laws reads as
32 rewritten:

33 "Sec. 2. This act applies only to ~~that portion~~ the inland waters of the Black River in
34 Sampson, Pender, and Bladen Counties between Clear Run Bridge at Highway 411 and
35 its junction with the Cape Fear River, and to that portion of South River in Sampson and
36 Bladen Counties from Ennis Bridge at Highway 1007 to its junction with the Black
37 River."

38 Sec. 28. Section 1 of Chapter 764 of the 1989 Session Laws is repealed.

39 Sec. 29. Subsection (1) of section (2) of Chapter 146 of the 1989 Session
40 Laws reads as rewritten:

41 "(1) ~~That certain tract or parcel of land at Joekey's Ridge State Park in Dare~~
42 ~~County, Nags Head Township more particularly described as follows:~~
43 ~~BEGINNING at a point which is located north 39° 07' 08" 67.86 feet~~
44 ~~from an iron pipe having a NC coordinate value of X 2996057.363 and~~

1 ~~Y-823796.892, running from said beginning point south 39° 07' 08" 15~~
2 ~~feet to an iron pipe; thence north 49° 10' 51" east 47.98 feet to an iron~~
3 ~~pipe in the edge of the right of way of the U.S. 158 Bypass; thence~~
4 ~~southeasterly along the aforementioned right-of-way 15 feet to a point;~~
5 ~~thence south 49° 10' 51" west 47.98 feet to the point of beginning and~~
6 ~~containing 719.7 square feet more or less. That certain tract or parcel~~
7 ~~of land at Jockey's Ridge State Park in Dare County, Nags Head~~
8 ~~Township, more particularly described as follows: Beginning at an~~
9 ~~iron rod which is located North 39°07'08" West 74.96 feet from an iron~~
10 ~~pipe having a NC Coordinate value of X-2996057.363 and Y-~~
11 ~~823796.892, said iron rod also being located in a common property~~
12 ~~line between the State of North Carolina and R. M. Ritchie, et al;~~
13 ~~thence running from said beginning point South 39°07'08" East 10 feet~~
14 ~~to a point; thence North 49°10'51" East 47.98 feet to a point in the right~~
15 ~~of way of U.S. 158 Bypass; thence northwesterly along the~~
16 ~~aforementioned right-of-way 10 feet to an iron rod; thence South~~
17 ~~49°10'51" West 47.98 feet to the point and place of beginning and~~
18 ~~containing 479.80 square feet more or less, and as drawn out by the~~
19 ~~Design and Development Section of the Division of Parks and~~
20 ~~Recreation on a map dated November 8, 1988."~~

21 Sec. 30. Subsection 3 of section 1 of 1989 Senate Joint Resolution 23 reads
22 as rewritten:

23 "(3) All lands within the boundaries of Jockey's Ridge State Park as of
24 April 4, 1989, with the exception of the following tract: ~~That certain~~
25 ~~tract or parcel of land at Jockey's Ridge State Park in Dare County, Nags~~
26 ~~Head Township, more particularly described as follows: BEGINNING at a~~
27 ~~point which is located north 39° 07' 08" 67.86 feet from an iron pipe having a~~
28 ~~NC coordinate value of X-2996057.363 and Y-823796.892, running from~~
29 ~~said beginning point south 39° 07' 08" 15 feet to an iron pipe; thence north~~
30 ~~49° 10' 51" east 47.98 feet to an iron pipe in the edge of the right of way of~~
31 ~~the U.S. 158 Bypass; thence southeasterly along the aforementioned right-~~
32 ~~of-way 15 feet to a point; thence south 49° 10' 51" west 47.98 feet to the~~
33 ~~point of beginning and containing 719.7 square feet more or less. That~~
34 ~~certain tract or parcel of land at Jockey's Ridge State Park in Dare~~
35 ~~County, Nags Head Township, more particularly described as follows:~~
36 ~~Beginning at an iron rod which is located North 39°07'08" West 74.96~~
37 ~~feet from an iron pipe having a NC Coordinate value of X-~~
38 ~~2996057.363 and Y-823796.892, said iron rod also being located in a~~
39 ~~common property line between the State of North Carolina and R. M.~~
40 ~~Ritchie, et al; thence running from said beginning point South~~
41 ~~39°07'08" East 10 feet to a point; thence North 49°10'51" East 47.98~~
42 ~~feet to a point in the right of way of U.S. 158 Bypass; thence~~
43 ~~northwesterly along the aforementioned right-of-way 10 feet to an iron~~
44 ~~rod; thence South 49°10'51" West 47.98 feet to the point and place of~~
45 ~~beginning and containing 479.80 square feet more or less, and as~~

1 drawn out by the Design and Development Section of the Division of
2 Parks and Recreation on a map dated November 8, 1988."
3 Sec. 31. This act is effective upon ratification.