

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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HOUSE BILL 954  
Committee Substitute Favorable 5/31/12

Short Title: ENR Reports Consolidation.

(Public)

Sponsors:

Referred to:

May 17, 2012

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND OR REPEAL VARIOUS ENVIRONMENTAL AND NATURAL  
3 RESOURCES REPORTING REQUIREMENTS, AS RECOMMENDED BY THE  
4 ENVIRONMENTAL REVIEW COMMISSION.

5 The General Assembly of North Carolina enacts:

6 SECTION 1.1. G.S. 130A-294 reads as rewritten:  
7 "§ 130A-294. Solid waste management program.

8 ...  
9 (i) ~~The Department shall develop a comprehensive hazardous waste management plan~~  
10 ~~for the State and shall revise the plan on or before 1 July of even-numbered years. The~~  
11 ~~Department shall report to the General Assembly, the Fiscal Research Division, the Senate~~  
12 ~~Appropriations Subcommittee on Natural and Economic Resources, the House Appropriations~~  
13 ~~Subcommittee on Natural and Economic Resources, and the Environmental Review~~  
14 ~~Commission on or before 1 October/January 1 of each year on the implementation and cost of~~  
15 ~~the comprehensive hazardous waste management plan-program. The report shall include an~~  
16 ~~evaluation of how well the State and private parties are managing and cleaning up hazardous~~  
17 ~~waste. The report shall also include recommendations to the Governor, State agencies, and the~~  
18 ~~General Assembly on ways to: improve waste management; reduce the amount of waste~~  
19 ~~generated; maximize resource recovery, reuse, and conservation; and minimize the amount of~~  
20 ~~hazardous waste which must be disposed of. The report shall include beginning fund balance,~~  
21 ~~fees collected under G.S. 130A-294.1, anticipated revenue from all sources, total expenditures~~  
22 ~~by activities and categories for the hazardous waste management program, ending fund~~  
23 ~~balance, any recommended adjustments in annual and tonnage fees which may be necessary to~~  
24 ~~assure the continued availability of funds sufficient to pay the State's share of the cost of the~~  
25 ~~hazardous waste management program, and any other information requested by the General~~  
26 ~~Assembly. In recommending adjustments in annual and tonnage fees, the Department may~~  
27 ~~propose fees for hazardous waste generators, and for hazardous waste treatment facilities that~~  
28 ~~treat waste generated on site, which are designed to encourage reductions in the volume or~~  
29 ~~quantity and toxicity of hazardous waste. The report shall include a description of activities~~  
30 ~~undertaken to implement the resident inspectors program established under G.S. 130A-295.02.~~  
31 ~~In addition, the report shall include an annual update on the mercury switch removal program.~~

32 The report required by subsection (i) of this section shall include, at a minimum, all of the  
33 following:

- 34 (1) A detailed description of the mercury recovery performance ratio achieved  
35 by the mercury switch removal program.



- 1           (2)    A detailed description of the mercury switch collection system developed  
2                   and implemented by vehicle manufacturers in accordance with the  
3                   NVMSRP.
- 4           (3)    In the event that a mercury recovery performance ratio of at least 0.90 of the  
5                   national mercury recovery performance ratio as reported by the NVMSRP is  
6                   not achieved, a description of additional or alternative actions that may be  
7                   implemented to improve the mercury switch removal program.
- 8           (4)    The number of mercury switches collected and a description of how the  
9                   mercury switches were managed.
- 10          (5)    A statement that details the costs required to implement the mercury switch  
11                   removal program, including a summary of receipts and disbursements from  
12                   the Mercury Switch Removal Account."

13           **SECTION 1.2.** G.S. 130A-294 reads as rewritten:

14   "**§ 130A-294. Solid waste management program.**

15       ...

16       (i)     The Department shall report to the General Assembly, the Fiscal Research Division,  
17     the Senate Appropriations Subcommittee on Natural and Economic Resources, the House  
18     Appropriations Subcommittee on Natural and Economic Resources, and the Environmental  
19     Review Commission on or before January 1 of each year on the implementation and cost of the  
20     hazardous waste management program. The report shall include an evaluation of how well the  
21     State and private parties are managing and cleaning up hazardous waste. The report shall also  
22     include recommendations to the Governor, State agencies, and the General Assembly on ways  
23     to: improve waste management; reduce the amount of waste generated; maximize resource  
24     recovery, reuse, and conservation; and minimize the amount of hazardous waste which must be  
25     disposed of. The report shall include beginning fund balance, fees collected under  
26     G.S. 130A-294-1, anticipated revenue from all sources, total expenditures by activities and  
27     categories for the hazardous waste management program, ending fund balance, any  
28     recommended adjustments in annual and tonnage fees which may be necessary to assure the  
29     continued availability of funds sufficient to pay the State's share of the cost of the hazardous  
30     waste management program, and any other information requested by the General Assembly. In  
31     recommending adjustments in annual and tonnage fees, the Department may propose fees for  
32     hazardous waste generators, and for hazardous waste treatment facilities that treat waste  
33     generated on-site, which are designed to encourage reductions in the volume or quantity and  
34     toxicity of hazardous waste. The report shall include a description of activities undertaken to  
35     implement the resident inspectors program established under G.S. 130A-295.02. In addition,  
36     the report shall include an annual update on the mercury switch removal program.

37       The report required by subsection (i) of this section shall include, at a minimum, all of the  
38     following:

- 39           (1)    ~~A detailed description of the mercury recovery performance ratio achieved~~  
40                   ~~by the mercury switch removal program.~~
- 41           (2)    ~~A detailed description of the mercury switch collection system developed~~  
42                   ~~and implemented by vehicle manufacturers in accordance with the~~  
43                   ~~NVMSRP.~~
- 44           (3)    ~~In the event that a mercury recovery performance ratio of at least 0.90 of the~~  
45                   ~~national mercury recovery performance ratio as reported by the NVMSRP is~~  
46                   ~~not achieved, a description of additional or alternative actions that may be~~  
47                   ~~implemented to improve the mercury switch removal program.~~
- 48           (4)    ~~The number of mercury switches collected and a description of how the~~  
49                   ~~mercury switches were managed.~~

- 1           (5)    ~~A statement that details the costs required to implement the mercury switch~~  
 2           ~~removal program including a summary of receipts and disbursements from~~  
 3           ~~the Mercury Switch Removal Account.~~  
 4           (6)    A detailed description and documentation of the capture rate achieved.  
 5           (7)    In the event that a capture rate of at least ninety percent (90%) is not  
 6           achieved, a description of additional or alternative actions that may be  
 7           implemented to improve the mercury minimization plan and its  
 8           implementation.  
 9           (8)    The number of mercury switches collected, the number of end-of-life  
 10           vehicles containing mercury switches, the number of end-of-life vehicles  
 11           processed for recycling, and a description of how the mercury switches were  
 12           managed.  
 13           (9)    A statement that details the costs required to implement the mercury  
 14           minimization plan.

15        ...."

16        **SECTION 2.** G.S. 130A-294.1(p) is repealed.

17        **SECTION 3.** G.S. 130A-295.02(m) is repealed.

18        **SECTION 4.** G.S. 130A-310.2(b) is repealed.

19        **SECTION 5.** G.S. 130A-310.57 is repealed.

20        **SECTION 6.** G.S. 130A-310.10 reads as rewritten:

21        "**§ 130A-310.10. Annual reports.**

22        (a)    The Secretary shall report on inactive hazardous sites to the Joint Legislative  
 23        Commission on Governmental Operations, the Environmental Review Commission, and the  
 24        Fiscal Research Division on or before ~~1 October~~ October 1 of each year. The report shall  
 25        include at least the following:

- 26           (1)    The Inactive Hazardous Waste Sites Priority List.  
 27           (2)    A list of remedial action plans requiring State funding through the Inactive  
 28           Hazardous Sites Cleanup Fund.  
 29           (3)    A comprehensive budget to implement these remedial action plans and the  
 30           adequacy of the Inactive Hazardous Sites Cleanup Fund to fund the cost of  
 31           said plans.  
 32           (4)    A prioritized list of sites that are eligible for remedial action under  
 33           CERCLA/SARA together with recommended remedial action plans and a  
 34           comprehensive budget to implement such plans. The budget for  
 35           implementing a remedial action plan under CERCLA/SARA shall include a  
 36           statement as to any appropriation that may be necessary to pay the State's  
 37           share of such plan.  
 38           (5)    A list of sites and remedial action plans undergoing voluntary cleanup with  
 39           Departmental approval.  
 40           (6)    A list of sites and remedial action plans that may require State funding, a  
 41           comprehensive budget if implementation of these possible remedial action  
 42           plans is required, and the adequacy of the Inactive Hazardous Sites Cleanup  
 43           Fund to fund the possible costs of said plans.  
 44           (7)    A list of sites that pose an imminent hazard.  
 45           (8)    A comprehensive budget to develop and implement remedial action plans for  
 46           sites that pose imminent hazards and that may require State funding, and the  
 47           adequacy of the Inactive Hazardous Sites Cleanup Fund.  
 48           (8a)   The amounts and sources of funds collected by year received under  
 49           G.S. 130A-310.76, the amounts and sources of those funds paid into the  
 50           Inactive Hazardous Sites Cleanup Fund established pursuant to  
 51           G.S. 130A-310.11, the number of acres of contamination for which funds

1 have been received pursuant to G.S. 130A-310.76, and a detailed annual  
2 accounting of how the funds collected pursuant to G.S. 130A-310.76 have  
3 been utilized by the Department to advance the purposes of Part 8 of Article  
4 9 of Chapter 130A of the General Statutes.

5 (9) Any other information requested by the General Assembly or the  
6 Environmental Review Commission.

7 (a1) On or before October 1 of each year, the Department shall report to each member of  
8 the General Assembly who has an inactive hazardous substance or waste disposal site in the  
9 member's district. This report shall include the location of each inactive hazardous substance or  
10 waste disposal site in the member's district, the type and amount of hazardous substances or  
11 waste known or believed to be located on each of these sites, the last action taken at each of  
12 these sites, and the date of that last action.

13 (b) Repealed by Session Laws 2001-452, s. 2.3, effective October 28, 2001."

14 **SECTION 7.** G.S. 143-215.94M reads as rewritten:

15 "**§ 143-215.94M. Reports.**

16 (a) The Secretary shall present an annual report to the Environmental Review  
17 ~~Commission~~ Commission, the Fiscal Research Division, the Senate Appropriations  
18 Subcommittee on Natural and Economic Resources, and the House Appropriations  
19 Subcommittee on Natural and Economic Resources which shall include at least the following:

- 20 (1) A list of all discharges or releases of petroleum from underground storage  
21 tanks;
- 22 (2) A list of all cleanups requiring State funding through the Noncommercial  
23 Fund and a comprehensive budget to complete such cleanups;
- 24 (3) A list of all cleanups undertaken by tank owners or operators and the status  
25 of these cleanups;
- 26 (4) A statement of receipts and disbursements for both the Commercial Fund  
27 and the Noncommercial Fund;
- 28 (5) A statement of all claims against both the Commercial Fund and the  
29 Noncommercial Fund, including claims paid, claims denied, pending claims,  
30 anticipated claims, and any other obligations; and
- 31 (6) The adequacy of both the Commercial Fund and the Noncommercial Fund to  
32 carry out the purposes of this Part together with any recommendations as to  
33 measures that may be necessary to assure the continued solvency of the  
34 Commercial Fund and the Noncommercial ~~Fund~~; and Fund.
- 35 (7) ~~A statement of the condition of the Loan Fund and a summary of all activity~~  
36 ~~under the Loan Fund.~~

37 (b) The report required by this section shall be made by the Secretary on or before ~~4~~  
38 ~~September~~ November 1 of each year."

39 **SECTION 8.** G.S. 113A-35.1(b) is repealed.

40 **SECTION 9.** G.S. 136-28.8(g) reads as rewritten:

41 "(g) On or before October 1 of each year, the Department shall report to the Division of  
42 Environmental Assistance and Outreach of the Department of Environment and Natural  
43 Resources as to the amounts and types of recycled materials that were specified or used in  
44 contracts that were entered into during the previous fiscal year. On or before ~~December 1~~  
45 January 15 of each year, the Division of Environmental Assistance and Outreach shall prepare  
46 a summary of this report and submit the summary to the Joint Legislative Commission on  
47 Governmental Operations and the Joint Legislative Transportation Oversight Committee. The  
48 summary of this report shall also be included in the report required by G.S. 130A-309.06(c)."

49 **SECTION 10.** G.S. 159I-29(a) reads as rewritten:

50 "(a) ~~The~~ If the General Assembly appropriates funds for loans authorized by this Chapter  
51 in any fiscal year, the Office of State Budget and Management and the Division shall prepare

1 and file on or before July 31 of ~~each~~ the following fiscal year with the Joint Legislative  
2 Commission on Governmental Operations a consolidated report for the preceding fiscal year  
3 concerning the allocation of loans authorized by this Chapter. No report shall be filed for fiscal  
4 years in which no funds are appropriated or otherwise available for loans authorized by this  
5 Chapter."

6 **SECTION 11.** G.S. 143B-279.5 reads as rewritten:

7 "**§ 143B-279.5. Biennial State of the Environment Report.**

8 (a) The Secretary of Environment and Natural Resources shall report on the state of the  
9 environment to the ~~General Assembly~~ Assembly, the ~~Fiscal Research Division of the General~~  
10 Assembly, and the Environmental Review Commission no later than 15 February of each  
11 odd-numbered year. The report shall include:

- 12 (1) An identification and analysis of current environmental protection issues and  
13 problems within or affecting the State and its people;
- 14 (2) Trends in the quality and use of North Carolina's air and water resources;
- 15 (3) An inventory of areas of the State where air or water pollution is in evidence  
16 or may occur during the upcoming biennium;
- 17 (4) Current efforts and resources allocated by the Department to correct  
18 identified pollution problems and an estimate, if necessary, of additional  
19 resources needed to study, identify, and implement solutions to solve  
20 potential problems;
- 21 (5) Departmental goals and strategies to protect the natural resources of the  
22 State;
- 23 (6) Any information requested by the General Assembly or the Environmental  
24 Review Commission;
- 25 (7) Suggested legislation, if necessary; and
- 26 (8) Any other information on the state of the environment the Secretary  
27 considers appropriate.

28 (b) Other State agencies involved in protecting the State's natural resources and  
29 environment shall cooperate with the Department of Environment and Natural Resources in  
30 preparing this report."

31 **SECTION 12.** Section 1.2 becomes effective December 31, 2017. Except as  
32 otherwise provided, this act is effective when it becomes law.