

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 811*

Short Title: ENR Reports Consolidation. (Public)

Sponsors: Senators Rouzer, East, and Jackson.

Referred to: Agriculture/Environment/Natural Resources.

May 21, 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 which shall include at least the following:

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

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

37 **SECTION 8.** Section 1.2 becomes effective December 31, 2017. Except as
38 otherwise provided, this act is effective when it becomes law.