

# North Carolina Association of County Commissioners



Environment Steering Committee  
Legislative Update  
August 11, 2009

Christopher Hansard, Special Assistant to the Deputy Director

# Computer/Electronics Recycling

*(SB887) (SB838)*

- No final action on revised computer recycling model
- Effective date of the current computer and television law changed from Jan. 1, 2010 to July 1, 2010
- Landfill ban on computers and televisions remains Jan. 1, 2011

# Computer/Electronics Recycling

*(SB887) (SB838)*

- General framework revised model:
  - Require computer manufacturers to register with DENR by submitting recycling plan and paying fee
  - Fee placed in Solid Waste Management Trust Fund and used to subsidize cost of computer recycling
- Deadline allows work to continue in Short Session



# Water Resource Policy Act of 2009

*(HB1101 = SB907)*

- Omnibus bill which establishes administrative and judicial policies for water allocation
  
- Placed in Study Act 2009

# Water Resource Policy Act of 2009

*(HB1101 = SB907)*

- Permit program for >100,000 gallons per day withdrawal
- Requires hydrological modeling and withdrawal adjustments
- River basin planning organizations
- “Reasonable use” definition
- DENR, League, Association, EFC will identify and consolidate all water reporting information and make available to public
- DENR and LGC oversight power on water infrastructure expenses and revenues



# Limit Well Water Testing

*SL 2009-124 (SB141 = H163)*

- Limits when local health department must test private well water
  - Only when required by Commission for Public Health
- Commission for Public Health must adopt rules for when testing is required in order to protect public health
  - Lists factors CPH must consider

# Study Reclaimed Water

*(HB643)*

- Directs EMC and DENR to study:
  - Implementation of reclaimed water programs by municipal wastewater treatment facilities for non-consumptive indoor use and outdoor use
  - Storage of reclaimed water in aquifers by municipal wastewater treatment facilities
  - Whether reclaimed water can be safely stored in and recovered from aquifers
  
- Placed in Study Act 2009

# Extend Certain Development Approvals

*SL 2009-406 (SB831)*

- Extends certain state development permits and approvals for builders who may have put projects on hold due to the economic situation
- Affects any permit current and valid at any point between Jan. 1, 2008 and Dec. 31, 2010.
- Any permit active on Jan. 1, 2008 automatically extended for however many months were left on the permit as of Jan. 1, 2008 – but not more than 36 months – beginning Jan. 1, 2011.

# Land Development Permit Changes

*(HB 1490)*

## **Statewide Provisions**

- Permits eligible to be extended are the same for cities and counties
- Vested right may only be “revived” if there is adequate water and/or sewer capacity to accommodate the project. “Revived” project is given first priority if additional water supply or wastewater treatment capacity becomes available.

## **Union County Only**

- Due to a water capacity problem in Union County, this section specifically describes a process that the county and permit holders will follow to reallocate permits.
- Is this going to be an issue for other counties?

# Development Moratorium

*(SB 117)*

- Amends county and city power to adopt zoning and development regulations
- Local government may not impose a moratorium on development approvals for the purpose of developing and adopting a new or revised development ordinance
- Currently in House Commerce, eligible for Short Session

# Condemnation of Conservation Easements

*SL 2009-439 (HB1080 = SB600)*

- Requires a demonstration of lack of prudent and feasible alternative in order for public condemnor to condemn property encumbered by a conservation easement
- NCACC supported language included:
  - Conservation easements can be condemned for utility purposes but must make reasonable effort to return property to state before condemnation
- Effective October 1, 2009

# Permitting of Wind Energy Facilities

*(SB1068)*

- Expands permitting of wind energy facilities beyond the coastal CAMA counties to all areas of North Carolina
- Stipulated that wind farms would not be permitted on mountain ridge tops if they violate the Mountain Ridge law
- Bill changes to the Mountain Ridge law would limit permissible windmills to those associated with a residence, for use within that residence, and with a height limit of 100 feet
- Bill now in House Energy Committee, eligible for Short Session

# Promote Water Use Efficiency

*(HB1236)*

- Commercial car washes may establish a voluntary water use efficiency certification program:
  - Must demonstrate water consumption reduced by 20%
  - Annual inspection by license plumbing contractor to confirm
- Local government shall credit car wash with percentage reduction
  - Certification must exist at least six months prior to most recent extreme drought designation
  - Certified car washes shall not be required to reduce consumption more than any other class of commercial or industrial water users during shortage
- DENR determines what qualified as certified program
- Local government may refuse to recognize if they feel program is not complying with terms of certification

# Quasi Judicial Land Use

*SL 2009-421(SB44)*

- Codifies procedure for court review of final decisions made by boards in quasi judicial settings

# Studies Act of 2009

*(HB 945)*

- **Recycle Products Containing Mercury (SB836)**
  - The Commission may study the possibility of requiring all public agencies to recycle all spent fluorescent lights and mercury thermostats, requiring the removal of all fluorescent lights and mercury thermostats from buildings prior to demolition, and banning mercury-containing products from unlined landfills.
- **Continue Study of Water Allocation Issues**
  - The Commission may continue to study those topics identified for further research and study in the 2008 Report of the Water Allocation Study to the Environmental Review Commission.
- **Use and Storage of Reclaimed Water**
  - The Commission, in consultation with the Department of Environment and Natural Resources, may study issues related to the use and storage of reclaimed water.

# Statewide Water Infrastructure Committee

*(Budget Special Provisions? SL 2009-451)*

- Assesses and makes recommendations on the role of the State in the development and funding of water infrastructure
- Recommends ways to maximize the use of funding resources to ensure coordination
- Receiving \$50,000 in State budget from Mercury Switch Account?