

ADOPTED



CHANGES TITLE

**NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1766**

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

H1766-ATA-51 [v.3]

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Comm. Sub. [YES]
Amends Title [YES]
Fifth Edition

Date 7-9, 2010

Senator Atwater

1 moves to amend the bill on page 1 line 31, through page 2 line 26
2 by rewriting those lines to read:

3
4 "RESERVOIRS; (13) DIRECT CERTAIN STATE AGENCIES TO REVIEW THEIR
5 PLANNING AND REGULATORY PROGRAMS AND RECOMMEND WHETHER
6 THOSE PROGRAMS SHOULD INCLUDE CONSIDERATION OF THE IMPACTS OF
7 GLOBAL CLIMATE CHANGE; (14) REQUIRE ALL PUBLIC AGENCIES TO
8 RECYCLE ALL SPENT FLUORESCENT LIGHTS AND MERCURY THERMOSTATS,
9 REQUIRE THE REMOVAL OF ALL FLUORESCENT LIGHTS AND MERCURY
10 THERMOSTATS FROM BUILDINGS PRIOR TO DEMOLITION, AND BAN
11 MERCURY-CONTAINING PRODUCTS FROM UNLINED LANDFILLS; (15)
12 AUTHORIZE THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY THE
13 PENALTIES APPLICABLE TO VIOLATIONS OF G.S. 130A-309.10 (PROHIBITED
14 ACTS RELATED TO PACKAGING; CODED LABELING OF PLASTIC CONTAINERS
15 REQUIRED; DISPOSAL OF CERTAIN SOLID WASTES IN LANDFILLS OR BY
16 INCINERATION PROHIBITED); (16) PROVIDE THAT LOCAL GOVERNMENTS
17 AND LARGE COMMUNITY WATER SYSTEMS ONLY REQUIRE SEPARATE
18 METERS FOR NEW IN-GROUND IRRIGATION SYSTEMS FOR LOTS PLATTED
19 AND RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS AFTER JULY 1,
20 2009, THAT ARE CONNECTED TO THEIR SYSTEMS; (17) PROHIBIT THE USE OF
21 HIGH ARSENIC CONTENT GLASS BEADS WHEN MARKING STATE OR
22 MUNICIPAL ROADS OR PUBLIC VEHICULAR AREAS; (18) ENABLE
23 TRADITIONAL COUNTRY STORES TO SELL UNCOOKED SANDWICHES,
24 PREPARED ON PREMISES BY STORE EMPLOYEES; (19) REVISE THE SUNSET
25 PROVISION FOR NUTRIENT OFFSET PAYMENTS; (20) MAKE A TECHNICAL
26 CORRECTION TO THE DEFINITION OF "NOTEBOOK COMPUTER"; AND (21)
27 DELAY THE EFFECTIVE DATE OF THE CLEAN COASTAL WATER AND VESSEL
28 ACT FROM JULY 1, 2010, TO APRIL 1, 2011, AND TO LIMIT THE ACT'S
29 APPLICATION TO ONLY THOSE AREAS THAT ARE DESIGNATED AS NO
30 DISCHARGE ZONES BY THE UNITED STATES ENVIRONMENTAL PROTECTION
31 AGENCY.",

32
33 and on page 12, line 33 through page 17, line 28



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1 by rewriting those lines to read:

2 "SECTION 13.(a) The Department of Administration, the Department of
3 Agriculture and Consumer Services, the Department of Commerce, the Department of Crime
4 Control and Public Safety, the Department of Environment and Natural Resources, the
5 Department of Health and Human Services, the Department of Insurance, and the Department
6 of Transportation shall:

- 7 (1) Review their respective planning and regulatory programs to determine
8 whether the programs currently consider the impacts of global climate
9 change, including adaptation and sea level rise.
- 10 (2) For those programs that currently consider the impacts of global climate
11 change, the agency shall describe how the program considers the impacts of
12 global climate change, including adaptation and sea level rise, and
13 recommend whether the consideration of the impacts of global climate
14 change should be modified or expanded.
- 15 (3) For those programs that do not currently consider the impacts of global
16 climate change, the agency shall recommend if and how the program should
17 consider the impacts of global climate change, including adaptation and sea
18 level rise.

19 SECTION 13.(b) No later than September 1, 2011, each State agency shall report
20 the results of its review and any recommendations to the Department of Environment and
21 Natural Resources. The Department shall compile the results and recommendations and report
22 them to the Environmental Review Commission and to any future legislative commission that
23 directly and primarily addresses issues concerning global climate change no later than
24 November 1, 2011

25 SECTION 14.(a) Article 9 of Chapter 130A of the General Statutes is amended by
26 adding a new Part to read:

27 Part 7. Management of Certain Products That Contain Mercury.

28 § 130A-310.60. Recycling required by public agencies.

29 (a) Each State agency, including the General Assembly, the General Court of Justice,
30 universities, community colleges, public schools, and political subdivisions using State funds
31 for the construction or operation of public buildings shall establish a program in cooperation
32 with the Department of Environment and Natural Resources and the Department of
33 Administration for the collection and recycling of all spent fluorescent lights and thermostats
34 that contain mercury generated in public buildings owned by each respective entity. The
35 program shall include procedures for convenient collection, safe storage, and proper recycling
36 of spent fluorescent lights and thermostats that contain mercury and contractual or other
37 arrangements with buyers of the recyclable materials.

38 (b) Each State agency, including the General Assembly, the General Court of Justice,
39 universities, community colleges, the Department of Public Instruction on behalf of the public
40 schools, and political subdivisions shall submit a report on or before December 1, 2011, that
41 documents the entity's compliance with the requirements of subsection (a) of this section to the
42 Department of Environment and Natural Resources and the Department of Administration. The
43 Departments shall compile the information submitted and jointly shall submit a report to the

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1 Environmental Review Commission on or before January 15, 2012, concerning the activities
2 required by subsection (a) of this section. The information provided shall also be included in
3 the report required by G.S. 130A-309.06(c).

4 **'§ 130A-310.61. Removal and recycling of mercury-containing products from structures**
5 **to be demolished.**

6 Prior to demolition of any building or structure in the State, the contractor responsible for
7 the demolition activity or the owner of the building or structure to be demolished shall remove
8 all fluorescent lights and thermostats that contain mercury from the building or structure to be
9 demolished.'

10 **SECTION 14.(b)** G.S. 130A-309.10 is amended by adding a new subsection to
11 read:

12 '(m) No person shall knowingly dispose of fluorescent lights and thermostats that contain
13 mercury in a sanitary landfill for the disposal of construction and demolition debris waste that
14 is unlined or in any other landfill that is unlined.'

15 **SECTION 14.(c)** G.S. 130A-22 reads as rewritten:

16 **'§ 130A-22. Administrative penalties.**

17 (a) The Secretary of Environment and Natural Resources may impose an administrative
18 penalty on a person who violates Article 9 of this Chapter, rules adopted by the Commission
19 pursuant to Article 9, or any term or condition of a permit or order issued under Article 9. Each
20 day of a continuing violation shall constitute a separate violation. The penalty shall not exceed
21 fifteen thousand dollars (\$15,000) per day in the case of a violation involving nonhazardous
22 waste. The penalty shall not exceed thirty-two thousand five hundred dollars (\$32,500) per day
23 in the case of a first violation involving hazardous waste as defined in G.S. 130A-290 or
24 involving the disposal of medical waste as defined in G.S. 130A-290 in or upon water in a
25 manner that results in medical waste entering waters or lands of the State; and shall not exceed
26 fifty thousand dollars (\$50,000) per day for a second or further violation involving the disposal
27 of medical waste as defined in G.S. 130A-290 in or upon water in a manner that results in
28 medical waste entering waters or lands of the State. The penalty shall not exceed thirty-two
29 thousand five hundred dollars (\$32,500) per day for a violation involving a voluntary remedial
30 action implemented pursuant to G.S. 130A-310.9(c) or a violation of the rules adopted pursuant
31 to G.S. 130A-310.12(b). The penalty shall not exceed one hundred dollars (\$100.00) for a first
32 violation; two hundred dollars (\$200.00) for a second violation within any 12-month period;
33 and five hundred dollars (\$500.00) for each additional violation within any 12-month period for
34 any violation of Part 2G of Article 9 of this Chapter. For violations of Part 7 of Article 9 of this
35 Chapter and G.S. 130A-309.10(m): (i) a warning shall be issued for a first violation; (ii) the
36 penalty shall not exceed two hundred dollars (\$200.00) for a second violation; and (iii) the
37 penalty shall not exceed five hundred dollars (\$500.00) for subsequent violations. If a person
38 fails to pay a civil penalty within 60 days after the final agency decision or court order has been
39 served on the violator, the Secretary of Environment and Natural Resources shall request the
40 Attorney General to institute a civil action in the superior court of any county in which the
41 violator resides or has his or its principal place of business to recover the amount of the
42 assessment. Such civil actions must be filed within three years of the date the final agency
43 decision or court order was served on the violator.'

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1 **SECTION 14.(d)** G.S. 130A-25 reads as rewritten:

2 '**§ 130A-25. Misdemeanor.**

3 (a) ~~A-Except as otherwise provided,~~ a person who violates a provision of this Chapter
4 or the rules adopted by the Commission or a local board of health shall be guilty of a
5 misdemeanor.

6 ...

7 (d) A violation of Part 7 of Article 9 of this Chapter or G.S. 130A-309.10(m) shall be
8 punishable as a Class 3 misdemeanor.'

9 **SECTION 15.** The Environmental Review Commission may study the penalties
10 applicable to violations of G.S. 130A-309.10 (Prohibited acts related to packaging; coded
11 labeling of plastic containers required; disposal of certain solid wastes in landfills or by
12 incineration prohibited), and report its findings, together with any recommended legislation, to
13 the 2011 Regular Session of the 2011 General Assembly upon its convening.

14 **SECTION 16.** G.S. 143-355.4(a) reads as rewritten:

15 (a) Local government water systems and large community water systems shall require
16 separate meters for new in-ground irrigation systems on lots platted and recorded in the office
17 of the register of deeds in the county or counties in which the real property is located after July
18 1, 2009, that are connected to their systems.'

19 **SECTION 17.(a)** The General Assembly finds and declares that inorganic arsenic
20 is a hazardous substance and is recognized by the United States Environmental Protection
21 Agency and the United States Occupational Safety and Health Administration as a human
22 carcinogen; that release of this substance into the environment may lead to contamination of
23 soil and water; that the ingestion or inhalation of soil, water, plant material, or animal tissues
24 contaminated with inorganic arsenic may lead to lung cancer, damage to the nervous system,
25 or, in extreme cases, death from systemic poisoning; that reflective glass beads are used to
26 reflect light when applied to roadway markers; that glass beads that contain more than 75 parts
27 per million inorganic arsenic may represent a danger to workers who handle and apply them
28 and a contamination potential to soil and water surrounding roadways. The General Assembly
29 therefore determines that it is in the public interest to prohibit the use of glass beads containing
30 more than 75 parts per million inorganic arsenic used to reflect light when applied to markings
31 on roadways.

32 **SECTION 17.(b)** Chapter 136 of the General Statutes is amended by adding a new
33 section to read:

34 '**§ 136-30.2. Prohibit the use of high content arsenic glass beads in paint used for**
35 **pavement marking.**

36 No pavement markings shall be placed on or along any road in the State highway system, in
37 any municipal street system, or on any public vehicular area, as defined in G.S. 20-4.01, that is
38 made from paint that has been mixed, in whole or in part, with reflective glass beads containing
39 more than 75 parts per million inorganic arsenic, as determined by the United States
40 Environmental Protection Agency Method 6010B in conjunction with the United States
41 Environmental Protection Agency Method 3052 modified.'

42 **SECTION 18.** G.S. 130A-250 is amended by adding a new subdivision to read:

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1 '(13) Traditional country stores that sell uncooked sandwiches or similar food
2 items and that engage in minimal preparation such as slicing bananas,
3 spreading peanut butter, mixing and spreading pimiento cheese, and
4 assembling these items into sandwiches, when this minimal preparation is
5 the only activity that would otherwise subject these establishments to
6 regulation under this Part. For the purposes of this subsection, traditional
7 country stores means for-profit establishments that sell an assortment of
8 goods, including prepackaged foods and beverages, and have been in
9 continuous operation for at least 75 years.'

10 **SECTION 19.** Section 5 of S.L. 2007-438, as amended by Section 3.(b) of S.L.
11 2009-438, reads as rewritten:

12 '**SECTION 5.** This act becomes effective 1 September 2007 and applies to all nutrient
13 offset payments, including those set out in 15A NCAC 2B .0240, as adopted by the
14 Environmental Management Commission on 12 January 2006. The fee schedule set out in
15 Section 1 of this act expires ~~1 September 2010.~~ 1 September 2011.'

16 **SECTION 20.** If Senate Bill 887, 2009 Regular Session, becomes law, then G.S.
17 130A-309.131(11), as enacted by Section 2(a) of that act, reads as rewritten:

18 '(11) Notebook computer. – An electronic, magnetic, optical, electrochemical, or
19 other high-speed data processing device that has all of the following
20 features:

- 21 a. Performs logical, arithmetic, or storage functions for general purpose
22 needs that are met through interaction with a number of software
23 programs contained in the computer.
24 b. Is not designed to exclusively perform a specific type of limited or
25 specialized application.
26 c. Achieves human interface through a keyboard, video display greater
27 than four inches in size, and mouse or other pointing device, all of
28 which are contained within the construction of the unit that
29 comprises the computer.
30 d. Is able to be carried as one unit by an individual.
31 e. Is able to use external power, internal power, or batteries for a power
32 source.

33 Notebook computer includes those that have a supplemental stand-alone
34 interface device attached to the notebook computer. Notebook computer
35 does not include a portable handheld calculator, a PDA, or similar
36 specialized device. A notebook computer may also be referred to as a laptop
37 computer.'

38 **SECTION 21.(a)** G.S. 77-131 reads as rewritten:

39 '**§ 77-131. Application of Article.**

40 The provisions of this Article apply only to the following:

- 41 (1) A large vessel marina that is located on coastal waters designated by the
42 Environmental Protection Agency as a no discharge zone or that is located in

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1 a county or municipality that has adopted a resolution to petition the
2 Environmental Protection Agency for a no discharge zone designation.

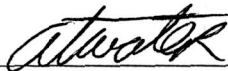
- 3 (2) A vessel in coastal waters that ~~are either is~~ designated as a no discharge zone
4 ~~or are included in a petition to the Environmental Protection Agency to be~~
5 ~~designated as a no discharge zone unless the petition has been denied by the~~
6 Environmental Protection Agency.'

7 **SECTION 21.(b)** Section 3 of S.L. 2009-345 reads as rewritten:

8 '**SECTION 3.** Section 1 of this act becomes effective ~~July 1, 2010,~~ April 1, 2011, and
9 applies to offenses committed on or after that date. The remainder of this act is effective when
10 it becomes law.'

11 **SECTION 22.** Section 6 of this act becomes effective October 1, 2010, and applies
12 to violations that occur on or after that date. Section 9 of this act becomes effective October 1,
13 2010, and applies to penalties assessed on or after that date. Sections 11(a), 11(b), 11(c), and
14 11(d) of this act become effective February 1, 2011. Sections 14(a), 14(b), 14(c), and 14(d) of
15 this act become effective July 1, 2011. Sections 17(a) and 17(b) become effective October 1,
16 2010, and apply to any contracts for road projects entered into, or any pavement remarking that
17 takes place, on or after that date. Section 20 of this act becomes effective August 1, 2010. All
18 other sections of this act are effective when this act becomes law.".

SIGNED



Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED

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FAILED

TABLED

7-9-10



ADOPTED