

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 44

AMENDMENT NO. A4
(to be filled in by
Principal Clerk)

H44-ATH-45 [v.8]

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Amends Title [NO]
Second Edition

Date _____, 2015

Senator Wade

1 moves to amend the bill on page 4, line 51, through page 5, line 4, by rewriting the lines to
2 read:

3 "discourages or prohibits the drilling of new wells.";

4
5 on page 6, line 27, by rewriting that line to read:

6 "Services, or the Commission for Public Health to protect public health.

7 (m) Private Drinking Water Well Permit Issuance. – Upon receipt of an application for a
8 construction permit for a new private drinking water well, and prior to issuance of that permit,
9 the local health department shall determine if the real property is within a jurisdictional area
10 served by a public water system, and shall do one of the following:

11 (1) If the property does not lie within the jurisdiction of any public water
12 system, the local health department shall act upon the construction permit in
13 accordance with this Article.

14 (2) If the property lies within the jurisdiction of a public water system, the local
15 health department shall, within 10 days, notify the property owner of the
16 existence of the public water system and notify the public water system of
17 the permit application. The public water system shall notify the property
18 owner and the local health department within 10 days whether connection to
19 the public water system is required immediately, or within the next 24
20 months. If the public water system fails to so notify the property owner and
21 the local health department, or determines connection will not be required
22 within the next 24 months, the local health department shall act upon the
23 construction permit in accordance with this Article after consultation with
24 the property owner.

25 (3) If the property lies within the jurisdiction of a public water system and the
26 property owner and local health department are notified by the public water
27 system that connection is required, the local health department, upon
28 consultation with the property owner, may issue the construction permit in
29 accordance with this Article if the application and permit are modified to
30 state the water from the well shall not be interconnected to the plumbing
31 required to be connected to the public water system and shall be used only
32 for irrigation or other non-potable purposes."



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on page 9, line 14, by deleting "(d)" and substituting "(d1)" on that line;

on page 9, lines 31-33, by rewriting the lines to read:

"NUMBER OF LANES CANNOT BE REDUCED ON STATE ROADS LOCATED WITHIN A MUNICIPALITY AND HAVING AN AVERAGE DAILY TRAFFIC VOLUME OF 20,000 VEHICLES PER DAY OR MORE";

on page 11, lines 3-6, by rewriting the lines to read:

"(b) The number of travel lanes may not be reduced to accommodate the addition of bicycle lanes within the existing paved and marked travel lanes of any State highway system street or highway located within a municipality if either of the following conditions exists: (i) the street or highway has an average daily traffic volume of 20,000 vehicles per day or greater; or (ii) the action taken reduces the projected road capacity, for a 20-year period beginning at the time the bicycle lane is established, to below a Level D, as defined by the Institute of Transportation Engineers Highway Capacity Manual.";

and on page 12, line 33 through page 13, line 48, by rewriting the lines to read:

"RIPARIAN BUFFER REFORM

SECTION 13.(a) Until the convening of the 2016 Regular Session of the 2015 General Assembly, the Environmental Management Commission and the Department of Environment and Natural Resources shall implement 15A NCAC 02B.0233 (Neuse River Basin: Nutrient Sensitive Waters Management Strategy: Protection and Maintenance of Existing Riparian Buffers) as follows:

- (1) Zone 1, as described in NCAC 02B.0233(4)(a) and Zone 2, as described in NCAC 02B.0233(4)(b) shall not be enforced.
- (2) The riparian buffer shall consist of the 30-foot riparian area that formerly constituted Zone 1.
- (3) The activities and uses for the riparian buffer are those that could have occurred in Zone 2.

SECTION 13.(b) Until the convening of the 2016 Regular Session of the 2015 General Assembly, the Environmental Management Commission and the Department of Environment and Natural Resources shall implement all other rules adopted by the Commission for the protection and maintenance of existing riparian buffers for nutrient sensitive waters consistent with the provisions of Section 13.(a) of this act.

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1 **SECTION 13.(c)** As soon as practicable, the Environmental Management
2 Commission shall adopt temporary rules to amend its rules consistent with Sections 13.(a) and
3 13.(b) of this act.

4 **SECTION 14.(a)** Part 1 of Article 21 of Chapter 143 of the General Statutes is
5 amended by adding a new section to read:

6 **"§ 143-214.19. Delineation of protective riparian buffers for coastal wetlands and**
7 **marshlands.**

8 (a) The following definitions apply in this section:

9 (1) Coastal wetlands. – Any salt marsh or other marsh subject to regular or
10 occasional flooding by tides, including wind tides (whether or not the
11 tidewaters reach the marshland areas through natural or artificial
12 watercourses), provided this shall not include hurricane or tropical storm
13 tides.

14 (2) Marshlands. – The term has the same meaning as G.S. 113-229(n).

15 (b) If State law requires a protective riparian buffer for coastal wetlands and
16 marshlands, the coastal wetlands and marshlands shall not be treated as part of the surface
17 waters but instead shall be included in the measurement of the protective riparian buffer. The
18 protective riparian buffer for any of the coastal wetlands or marshlands shall be delineated as
19 follows:

20 (1) If the coastal wetlands or marshlands extend less than 50 feet from the
21 normal high water level or normal water level, as appropriate, and therefore
22 would not encompass a 50-foot area beyond the appropriate water level, then
23 the protective riparian buffer shall include all of the coastal wetlands and
24 marshlands and enough of the upland footage to equal a total of 50 feet from
25 the appropriate normal high water level or the normal water level measured
26 horizontally on a line perpendicular to the surface water.

27 (2) If the coastal wetlands or marshlands extend 50 feet or more from the
28 normal high water level or normal water level, as appropriate, then the
29 protective riparian buffer shall be the full width of the marshlands or coastal
30 wetlands up to the landward limit of the marshlands or coastal wetlands but
31 shall not extend beyond the landward limit of the marshlands or coastal
32 wetlands."

33 **SECTION 14.(b)** As soon as practicable, the Environmental Management
34 Commission shall adopt temporary rules to amend its rules consistent with Section 14.(a) of
35 this act.

36 **SECTION 14.(c)** This section becomes effective October 1, 2015.

37 **SECTION 15.** The Environmental Review Commission, with the assistance of the
38 Department of Environment and Natural Resources, shall study the use of riparian buffers by
39 the State and local governments to protect water quality in the State. The Commission and
40 Department shall specifically examine the circumstances under which local governments have
41 created development buffers along waterways that are wider than those established by the
42 Commission or the Department. Included in this review shall be an overview of the buffer, the
43 purpose of the buffer, and whether the local government has the authority to establish, regulate,

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1 and enforce the extended buffer zone. The Commission and the Department shall also review
2 recent and relevant scientific research and make a determination on whether these data justify
3 additional buffers imposed by local governments beyond those established or regulated by the
4 Commission and the Department. The Commission shall report the results of the study,
5 including any legislative proposals, to the 2016 Regular Session of the 2015 General
6 Assembly."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

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and vote information, is available in the
Senate Principal Clerk's Office**