

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

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**HOUSE BILL 479
PROPOSED COMMITTEE SUBSTITUTE H479-PCS10617-TQ-10**

Short Title: ERC Studies/Scope.

(Public)

Sponsors:

Referred to:

March 28, 2019

A BILL TO BE ENTITLED

1 AN ACT TO REQUIRE THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY
2 MATTERS ASSOCIATED WITH THE DECOMMISSIONING OF UTILITY-SCALE
3 SOLAR PROJECTS, THE SOLID WASTE DISPOSAL TAX, THE PROCESS FOR
4 DEVELOPMENT AND ADOPTION OF GENERAL PERMITS FOR ANIMAL WASTE
5 MANAGEMENT SYSTEMS, AND WAYS TO OPTIMIZE AND MODERNIZE NORTH
6 CAROLINA'S RECYCLING REQUIREMENTS FOR DISCARDED COMPUTER
7 EQUIPMENT AND TELEVISIONS; AND TO MODIFY THE SCOPE OF THE JOINT
8 LEGISLATIVE OVERSIGHT COMMITTEE ON AGRICULTURE AND NATURAL
9 AND ECONOMIC RESOURCES TO SPECIFICALLY INCLUDE OVERSIGHT OF
10 MARINE FISHERIES.

11 The General Assembly of North Carolina enacts:

12 **SECTION 1.(a)** The Environmental Review Commission shall study matters related
13 to the decommissioning of utility-scale solar projects. The Environmental Review Commission
14 shall report its findings and recommendations, including any legislative proposals, to the 2020
15 Regular Session of the 2019 General Assembly upon its convening. The study shall include, at a
16 minimum, analysis of all of the following matters:

- 17 (1) The need for performance bonding to ensure proper decommissioning and
18 closure of existing or future-built solar facilities.
- 19 (2) Whether or not any materials used in utility-scale solar projects, including
20 solar panels and the constituent materials thereof, are classified as hazardous
21 material.
- 22 (3) Whether or not solar panels, including all of the constituent materials thereof,
23 can be safely disposed of in construction and demolition or municipal solid
24 waste landfills.
- 25 (4) The economic feasibility and availability of recycling solar panels.
- 26 (5) Whether or not the land upon which a utility-scale solar project is constructed
27 could be economically placed back into use for agricultural crop production
28 after cessation of the activities of a utility-scale solar project.
- 29 (6) The data-based expected economically productive life cycle of various types
30 of solar panels currently in use.
- 31 (7) A survey of other states' regulatory requirements relating to the
32 decommissioning of utility-scale solar projects.

33 **SECTION 1.(b)** For purposes of this section, the term "utility-scale solar project"
34 means a ground-mounted photovoltaic (PV), concentrating photovoltaic (CPV), or concentrating
35 solar power (CSP or solar thermal) project directly connected to the electrical transmission grid
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1 for sale to wholesale customers. The term includes the solar arrays, accessory buildings,
2 transmission facilities, and any other infrastructure necessary for the operation of the project.

3 **SECTION 2.** The Environmental Review Commission shall study North Carolina's
4 solid waste disposal tax imposed under Article 5G of Chapter 105 of the General Statutes. In
5 conducting this study, the Commission shall examine (i) a detailed history of the annual revenue
6 generated from the tax, and its distribution over time to the Department of Environmental Quality
7 and local governments; (ii) a detailed history of expenditures by the Department of
8 Environmental Quality of tax proceeds received to date, including to whom and for what
9 purposes the expenditures were made; (iii) all work completed by the Department of
10 Environmental Quality using proceeds of the tax, including detailed information on the location
11 of sites at which work was performed, and a summary of the status of said sites; (iv) plans for
12 future work to be conducted by the Department of Environmental Quality using proceeds of the
13 tax, including detailed information on sites to be addressed, and proposed schedules for work;
14 (v) the current balance of the Inactive Hazardous Sites Cleanup Fund; and (vi) any other issue
15 the Commission deems relevant. The Environmental Review Commission shall report its
16 findings and recommendations, including any legislative proposals, to the 2020 Regular Session
17 of the 2019 General Assembly upon its convening.

18 **SECTION 3.** The Environmental Review Commission shall study the Department
19 of Environmental Quality's process for the development and adoption of general permits for
20 animal waste management systems for swine, cattle, and poultry operations. The study shall
21 specifically include consideration of whether the general permit process should comply with the
22 Administrative Procedure Act. In conducting this study, the Environmental Review Commission
23 shall seek input from the Department of Environmental Quality; the Department of Agriculture
24 and Consumer Services; the Office of Administrative Hearings; the College of Agriculture and
25 Life Sciences at North Carolina State University; representatives of swine, cattle, and poultry
26 farmers; and representatives of environmental protection and natural resource conservation
27 groups. The Environmental Review Commission shall report its findings and recommendations,
28 including any legislative proposals, to the 2020 Regular Session of the 2019 General Assembly
29 upon its convening.

30 **SECTION 4.(a)** G.S. 120-311 reads as rewritten:

31 "**§ 120-311. Purpose and powers of Committee.**

32 (a) The Joint Legislative Oversight Committee on Agriculture and Natural and Economic
33 Resources shall examine on a continuing basis the services provided by the departments and
34 agencies set out in this subsection in order to make ongoing recommendations to the General
35 Assembly on ways to improve the effectiveness, efficiency, and quality of State government
36 services. The Committee has the following powers and duties:

- 37 (1) Study the programs, organization, operations, and policies of the following
38 agencies:
 - 39 a. Department of Agriculture and Consumer Services.
 - 40 b. Department of Environmental Quality.
 - 41 c. Department of Natural and Cultural Resources.
 - 42 d. Wildlife Resources Commission.
 - 43 e. Department of Labor.
 - 44 f. Department of Commerce.
 - 45 g. Any other agency under the jurisdiction of the Senate and House of
46 Representatives appropriations committees on agriculture, natural, or
47 economic resources.
- 48 (2) Review compliance of budget actions directed by the General Assembly.
- 49 (3) Monitor expenditures, deviations, and changes made by the agencies set out
50 in subdivision (1) of this subsection to the certified budget.
- 51 (4) Review policy changes as directed by law.

- 1 (5) Receive presentations of reports from agencies directed in the law, including
2 audits, studies, and other reports.
- 3 (6) Review any issues that arise during the interim period between sessions of the
4 General Assembly and provide a venue for any of these issues to be heard in
5 a public setting.
- 6 (7) Monitor the quality of services provided by cultural, natural, and economic
7 resources agencies to other agencies and the public.
- 8 (8) Identify opportunities for cultural, natural, and economic resources agencies
9 to coordinate and collaborate to eliminate duplicative functions.
- 10 (9) Have presentations and reports on any other matters that the Committee
11 considers necessary to fulfill its mandate.
- 12 (10) Exercise legislative oversight over the management of marine fisheries in the
13 State by: monitoring and evaluating the programs, policies, and actions of the
14 Marine Fisheries Commission and the Division of Marine Fisheries of the
15 Department of Environmental Quality; reviewing and evaluating existing and
16 proposed statutes and rules affecting the management of marine fisheries;
17 monitoring changes in federal law and court decisions affecting the
18 management of marine fisheries; monitoring and evaluating marine fisheries
19 related industries in the State and studying measures to promote these
20 industries; and studying any other matters related to the management of
21 marine fisheries in the State that the Commission considers necessary to fulfill
22 its mandate.

23 (b) The Committee may make reports to the General Assembly. A report to the General
24 Assembly may contain legislation needed to implement a recommendation of the Committee."

25 **SECTION 4.(b)** G.S. 113-182.1(c1) reads as rewritten:

26 "(c1) The Department shall consult with the regional advisory committees established
27 pursuant to G.S. 143B-289.57(e) regarding the preparation of each Fishery Management Plan.
28 Before submission of a plan for review by ~~the Joint Legislative Commission on Governmental~~
29 ~~Operations, the Joint Legislative Oversight Committee on Agriculture and Natural and Economic~~
30 ~~Resources and the Fiscal Research Division,~~ the Department shall review any comment or
31 recommendation regarding the plan that a regional advisory committee submits to the
32 Department within the time limits established in the Schedule for the development and adoption
33 of Fishery Management Plans established by G.S. 143B-289.52. Before the Commission adopts
34 a management measure to implement a plan, the Commission shall review any comment or
35 recommendation regarding the management measure that a regional advisory committee submits
36 to the Commission."

37 **SECTION 5.** The Environmental Review Commission shall study ways to optimize
38 and modernize North Carolina's recycling requirements for discarded computer equipment and
39 televisions. In conducting this study, the Commission shall consider (i) the changing waste
40 stream, including trends involving the amount of cathode ray tube televisions discarded and the
41 conditions of associated recycling markets, (ii) the economics of the recycling stream for
42 computer equipment and televisions in light of trends in recycling markets, (iii) impacts of market
43 conditions and the State's recycling policies on computers and televisions on the State's recycling
44 industry, computer and television manufacturers, and local governments, (iv) the current status
45 of North Carolina's recycling system, including cost and financing issues, and options that may
46 be available to reduce costs, (v) opportunities for more efficient and effective recycling systems,
47 and (vi) any other issue the Department deems relevant. The Environmental Review Commission
48 shall report its findings, together with any proposed legislation to modernize the recycling
49 requirements for computers and televisions, to the 2021 Regular Session of the General
50 Assembly upon its convening.

51 **SECTION 6.** This act is effective when it becomes law.