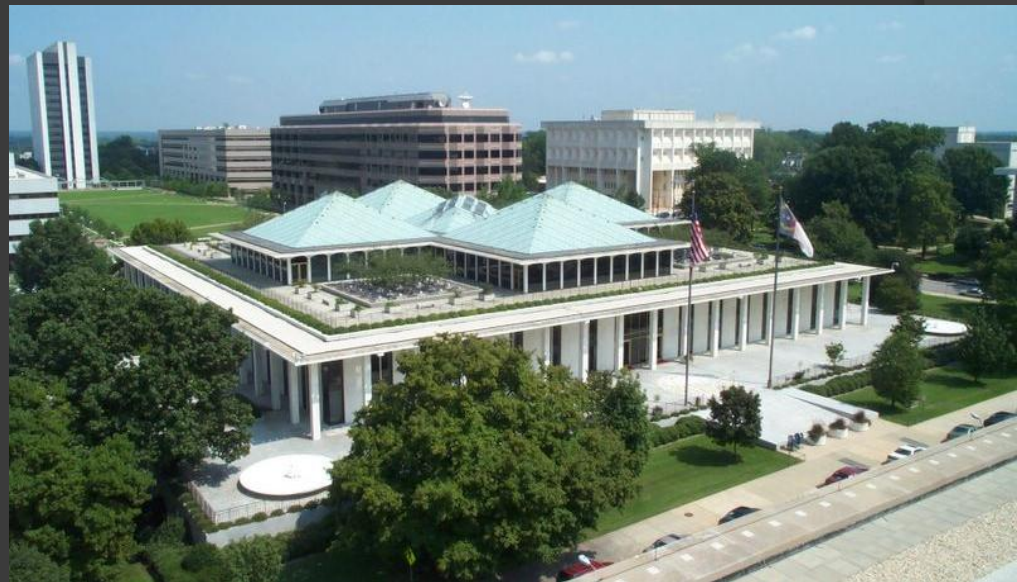


REGULATORY REFORM AND THE ENVIRONMENT AT THE NORTH CAROLINA GENERAL ASSEMBLY

Jennifer Mundt, Legislative Analyst
North Carolina General Assembly

2011-2012 Legislative Overview

- ◎ 2011 Session: 419 laws enacted
- ◎ 2012 Session: 203 laws enacted
- ◎ (Record number of vetoed legislation)
- ◎ Focus on:
 - Regulatory reform
 - Budget
 - Redistricting
 - Social issues
 - Environment



Environmental Legislation 2011-2012

Key Topics

- ⦿ Transfers and consolidations within/from DENR
- ⦿ Regulatory reform:
 - Risk-based cleanup
 - Coastal management policy
 - Air toxics
 - Rules and rulemaking
 - Miscellaneous
- ⦿ Fracking
- ⦿ Studies

Transfers and Consolidations

- ◉ Division of Environmental Health from DENR to Health and Human Services or Ag
- ◉ Division of Soil and Water Conservation and the Commission from DENR to Ag



- ◉ Forestry and Forestry Council from DENR to Ag
- ◉ Geodetic Survey Section from DENR to Emergency Management in Public Safety

Regulatory Reform

Risk-Based Cleanup

- ⦿ Authorizes the risk-based cleanup of contaminated industrial sites
- ⦿ Requires using site-specific cleanup standards designed to protect public health, safety, and welfare and the environment
- ⦿ Cleanup based on the current and anticipated future use of a site



Regulatory Reform

Coastal management policy



- ◎ Multiple bills that:
 - Authorize the Coastal Resources Commission to permit up to 4 terminal groins on ocean inlets
 - Establish a process for defining rates of sea-level change
 - Alter coastal-setback requirements for dwelling replacement

Regulatory Reform

Air Toxics

- State Air Toxics Program no longer applies to emission sources subject to federal emissions standards
- DENR retains the “Director’s Call”



Regulatory Reform

Rules and rulemaking

- ⦿ Multiple bills and provisions that:
 - Reclassify waterways
 - Establish a variance process for setback distances on existing private wells
 - Delay Jordan Lake program implementation

Regulatory Reform

Miscellaneous

- ◎ Multiple bills and provisions that:
 - Change the definition of “discharge”
 - Amend permit duration for sanitary landfills and transfer stations
 - Allow for stormwater management measures, other than those that promote standing water, at airports

Fracking

- Establishes a modern regulatory program for fracking
- Creates reconstituted Mining and Energy Commission
- *Authorizes** horizontal drilling and hydraulic fracturing
- Provides landowner and public protections
- Creates new Joint Legislative Commission on Energy Policy



Studies

- ◉ DENR: reallocating water supply in Kerr Lake
- ◉ DENR: degradable plastics and potential for contamination of plastic feedstocks
- ◉ LRC Advisory Subcommittee on Wetland and Stream Mitigation
- ◉ ERC: Water resources and availability
- ◉ ERC: Uranium mining in Virginia



2013 Legislative Session

- Convenes January 9, 2013
- Predictions...

Questions?

- To access all legislation and the work of standing and study committees:

<http://www.ncleg.net>

- Contact me:

jennifer.mundt@ncleg.net

(919) 733-2578

NC LEAGUE OF MUNICIPALITIES



NC Association of Environmental Professionals

December 6, 2012

Erin Wynia
Legislative & Regulatory Issues Manager
ewynia@nclm.org
919.715.4126

Agenda

- ❑ Important legislative trends
- ❑ 2013 Political Landscape
- ❑ Anticipated Legislation
- ❑ Questions

Trends Important to Cities and Towns

- ❑ **TREND #1:**
Law by Anecdote

- ❑ **TREND #2:**
**A Local Issue Gets A
State Law “Fix”**

Trends Important to Cities and Towns

- ❑ **TREND #3:**
Individual Rights Rule

- ❑ **TREND #4:**
MANY New Legislators
Making Good on Promises

Trends Important to Cities and Towns

- **TREND #5:**
**Signs of Shifting
Financial
Responsibilities
from State to Locals**

Trends Important to Cities and Towns

- ❑ **TREND #6:**
Devaluing/Lack of Understanding
of Municipal Governments
- ❑ **TREND #7:**
Evolving indications of
privatization of Local Government
Services

Trends Important to Cities and Towns

□ TREND #8:

Legislators as Citizen

“Watchdog” of Government

2013 Political Landscape

□ Redistricting Impacts

- Republican, veto-proof majorities in both chambers (House: 77-43, Senate 32-18)
- N.C. voters cast more votes for Democratic congressional candidates
- Five incumbent N.C. legislators lost – four Democrats, one Republican

2013 Political Landscape

❑ Loss of Legislative Experience

- 60% of Senate served two years or less;
26% of Senators are freshmen
- 57.5% of House served two years or less;
32% of House members are freshmen

❑ Same Leadership at Top

- Senate: Berger (Eden)
- House: Tillis (Cornelius)

2013 Political Landscape

□ McCrory Administration

- DENR Secretary, other DENR leadership
- 1,000 at-will positions
- Retain Perdue appointments?

□ EMC

- New chair (McCrory appointment)
- Possible legislative changes to Board?

Anticipated Legislation

□ Water Supply

- More assured supplies
- Emphasis on reclaimed water
- Efficiency, quarries, non-mainstem reservoirs, leak detection, private \$\$

□ Jordan Lake Rules

- Reforms mostly to stormwater provisions

Anticipated Legislation

□ Regulatory Reforms

- Mentioned in multiple media reports
- Business community suggestions
- Boards & commissions changes?
- State agency reorganization?

□ Coastal Stormwater Rules

- Influence of new coastal caucus
- Suggested by development community

Anticipated Legislation

☐ ERC-recommended bills

- Plastics recycling
- Sedimentation/erosion control changes
- Uranium mining
- Inactive hazardous sites

☐ ERC Education Items

- 303(d) list
- Ecological flow

Anticipated Legislation

- Tax Reform
- Transportation funding
- Unemployment insurance
- Asheville water system
- Pension system

Questions and Comments?

**Sign up for EcoLINC, the League's monthly
electronic environmental newsletter, by emailing
EcoLINC@ncim.org**

