

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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1

HOUSE BILL 17*

Short Title: County Clean-Up Funds.

(Public)

Sponsors: Representatives H. Hunter, Hardaway, Brown, Chapin, DeVane, Justus, and Wood.

Referred to: Rules.

February 4, 1991

A BILL TO BE ENTITLED

1 AN ACT TO APPROPRIATE FUNDS TO QUALIFIED COUNTIES TO SURVEY,
2 CLEAN UP, AND ELIMINATE ILLEGAL DISCHARGES OF SEWAGE ONTO
3 LAND OR INTO SURFACE WATERS IN VIOLATION OF ARTICLE 11 OF
4 CHAPTER 130A OF THE NORTH CAROLINA GENERAL STATUTES.
5

6 Whereas, the 1987-88 General Assembly funded a project in Haywood
7 County to survey, clean up, and eliminate illegal discharges of sewage into streams of
8 this State;

9 Whereas, the project was successful in identifying and assisting Haywood
10 County to clean up the streams and rivers of this State;

11 Whereas, it is the intent of the North Carolina General Assembly to expand
12 the project to assist 42 rural counties to survey, clean up, and eliminate illegal
13 discharges of sewage onto land or into surface waters; and

14 Whereas, the selected counties include those with eight percent (8%) or more
15 residences without public sewer or septic tank systems based on 1980 Census Data;
16 Now, therefore,

17 The General Assembly of North Carolina enacts:

18 Section 1. (a) There is appropriated from the General Fund to the Department
19 of Environment, Health, and Natural Resources the sum of \$2,100,000 for the 1991-92
20 fiscal year which shall be allocated in grants of \$50,000 to the following counties:
21 Alleghany, Anson, Ashe, Bertie, Bladen, Camden, Caswell, Chatham, Cherokee,
22 Chowan, Clay, Columbus, Duplin, Edgecombe, Franklin, Gates, Graham, Granville,
23 Greene, Halifax, Hertford, Hoke, Hyde, Jones, Madison, Martin, Mitchell,

1 Montgomery, Nash, Northampton, Pamlico, Pender, Perquimans, Person, Robeson,
2 Sampson, Stokes, Tyrrell, Vance, Warren, Washington, and Yancey. Each grant shall
3 be used by the county to enter into a contract with the local or district county health
4 departments to survey illegal discharges of sewage onto land or into surface waters of
5 this State in violation of Article 11 of Chapter 130A of the North Carolina General
6 Statutes.

7 (b) There is appropriated from the General Fund to the Department of
8 Environment, Health, and Natural Resources the sum of \$4,200,000 for the 1992-93
9 fiscal year which shall be allocated in grants of \$100,000 to the following counties:
10 Alleghany, Anson, Ashe, Bertie, Bladen, Camden, Caswell, Chatham, Cherokee,
11 Chowan, Clay, Columbus, Duplin, Edgecombe, Franklin, Gates, Graham, Granville,
12 Greene, Halifax, Hertford, Hoke, Hyde, Jones, Madison, Martin, Mitchell,
13 Montgomery, Nash, Northampton, Pamlico, Pender, Perquimans, Person, Robeson,
14 Sampson, Stokes, Tyrrell, Vance, Warren, Washington, and Yancey. Each grant shall
15 be used by the county to enter into a contract with the local or district county health
16 departments to clean up and eliminate the discharges identified in the survey conducted
17 pursuant to subsection (a) of Section 1 of this act; provided, however, that no county
18 shall receive clean-up funds for the 1992-93 fiscal year unless that county has received
19 survey approval from the Department pursuant to Section 2 of this act.

20 Sec. 2. Funds allocated to each county under subsection (a) of Section 1 of
21 this act for the 1991-92 fiscal year shall be used to survey illegal sewage discharges.
22 The Department of Environment, Health, and Natural Resources shall establish a
23 working group which shall consist of 10 members, to be designated by the North
24 Carolina Public Health Directors Association. The working group shall develop a
25 model survey for these counties and shall submit it to the Department for final approval.
26 The model survey shall be completed and approved by the Department no later than
27 August 1, 1991, or 60 days after ratification of this act, whichever is later. The
28 Department shall provide copies of the model survey to these counties within 30 days of
29 the date that the model survey is finalized. The counties listed in Section 1 of this act
30 shall complete a survey that is consistent with the model survey by June 1, 1992. The
31 Department shall have 30 working days from the date the Department receives a county
32 survey to determine whether the survey is deemed consistent with the model survey. If
33 the Department determines that a county survey submitted by a county is not consistent
34 with the model survey, that county shall not receive clean-up funds appropriated in
35 subsection (b) of Section 1 of this act.

36 Sec. 3. Funds allocated to each county under subsection (b) of Section 1 of
37 this act for the 1992-93 fiscal year shall be used by the county to enter into a contract
38 with the local or district county health departments for grants-in-aid to low-income
39 county residents to clean up and eliminate illegal sewage discharges identified by the
40 county survey conducted under Section 2 of this act. "Low-income" means those
41 persons and families whose incomes do not exceed fifty percent (50%) of the median
42 family income for the local area, with adjustments for family size, according to the
43 latest figures available from the United States Department of Housing and Urban

1 Development. Grants-in-aid recipients must receive an improvement permit from the
2 local or district health department prior to the receipt of any grant funds.

3 Sec. 4. There is appropriated from the General Fund to the Department of
4 Environment, Health, and Natural Resources the sum of \$245,624 for the 1991-92 fiscal
5 year and \$219,124 for the 1992-93 fiscal year for administrative support and up to five
6 positions to assist local officials in designing and approving sewage systems which meet
7 State and local regulatory requirements and expenses.

8 Sec. 5. There is appropriated from the General Fund to the Department of
9 Environment, Health, and Natural Resources a sum not to exceed \$170,000 for the
10 1992-93 fiscal year in incentive grants of \$10,000 to be awarded to the first 17 counties
11 which receive approval by the Department for the survey submitted prior to January 1,
12 1992. The grants shall be used for public health activities.

13 Sec. 6. Each county receiving funds under this act shall submit a final report
14 to the Department by June 30, 1993, on the expenditure of these funds.

15 Sec. 7. Those funds appropriated under subsection (a) of Section 1 of this act
16 for the 1991-92 fiscal year that are not expended as of June 30, 1992, shall revert to the
17 General Fund and may be reappropriated by the General Assembly during the 1992-93
18 fiscal year for additional surveys based on 1980 Census Data for counties with seven
19 percent (7%) or more residents who lack public sewer or septic tank systems.

20 Sec. 8. Section 2 of this act is effective upon ratification. The remainder of
21 this act becomes effective July 1, 1991, and expires June 30, 1993.