

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 874

Short Title: Environmental Impacts on Rivers.

(Public)

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Sponsors: Representatives Richardson; and Hurley.

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Referred to: Health and Environment.

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April 12, 1995

A BILL TO BE ENTITLED

1  
2 AN ACT TO EXPAND THE SCOPE OF THE ENVIRONMENTAL POLICY ACT BY  
3 REQUIRING THE PREPARATION OF AN ENVIRONMENTAL IMPACT  
4 STATEMENT FOR CERTAIN PACKING AND PROCESSING FACILITIES  
5 LOCATED WITHIN ONE MILE OF CERTAIN RIVERS OF THIS STATE AND  
6 SIGNIFICANTLY AFFECTING THE WATER QUALITY OF THE RIVER.

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 113A-4 reads as rewritten:

9 "**§ 113A-4. Cooperation of agencies; reports; availability of information.**

10 The General Assembly authorizes and directs that, to the fullest extent possible:

11 (1) The policies, rules, and public laws of this State shall be interpreted and  
12 administered in accordance with the policies set forth in this Article; and

13 (2) Every State agency shall include in every recommendation or report on  
14 any:

15 a. Action involving expenditure of public moneys or use of public  
16 land for projects and programs significantly affecting the quality  
17 of the environment of this State, and

18 b. Action involving a packing or processing facility for meat, meat  
19 food products, poultry, or poultry products:

- 1                   1.     Located within one mile of a river whose entire watershed  
2                   lies within the confines of the State, and  
3                   2.     Significantly affecting the water quality of that river,  
4     a detailed statement by the responsible official setting forth the  
5     following:  
6             ~~a~~.a1.     The environmental impact of the proposed action;  
7             ~~b~~.b1.     Any significant adverse environmental effects which  
8                   cannot be avoided should the proposal be implemented;  
9             ~~e~~.c1.     Mitigation measures proposed to minimize the impact;  
10            ~~d~~.d1.     Alternatives to the proposed action;  
11            ~~e~~.e1.     The relationship between the short-term uses of the  
12                   environment involved in the proposed action and the  
13                   maintenance and enhancement of long-term  
14                   productivity; and  
15            ~~f~~.f1.     Any irreversible and irretrievable environmental  
16                   changes which would be involved in the proposed  
17                   action should it be implemented.
- 18     (2a) Prior to making any detailed statement, the responsible official shall  
19     consult with and obtain the comments of any agency which has either  
20     jurisdiction by law or special expertise with respect to any  
21     environmental impact involved. Any unit of local government or other  
22     interested party that may be adversely affected by the proposed action  
23     may submit written comment. The responsible official shall consider  
24     written comment from units of local government and interested parties  
25     that is received within the established comment period. Copies of such  
26     detailed statement and such comments shall be made available to the  
27     Governor, to such agency or agencies as he may designate, and to the  
28     appropriate multi-county regional agency as certified by the Secretary of  
29     Administration, shall be placed in the public file of the agency and shall  
30     accompany the proposal through the existing agency review processes.  
31     A copy of such detailed statement shall be made available to the public  
32     and to counties, municipalities, institutions and individuals, upon  
33     request.
- 34     (3) The Governor, and any State agency charged with duties under this  
35     Article, may call upon any of the public institutions of higher education  
36     of this State for assistance in developing plans and procedures under this  
37     Article and in meeting the requirements of this Article, including  
38     without limitation any of the following units of the University of North  
39     Carolina: the Water Resources Research Institute, the Institute for  
40     Environmental Studies, the Triangle Universities Consortium on Air  
41     Pollution, and the Institute of Government."
- 42     Sec. 2. This act is effective upon ratification.