

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 804*

Short Title: Environmental Impacts on Rivers.

(Public)

Sponsors: Senators Rand and Edwards.

Referred to: Agriculture/Environment/Natural Resources

April 24, 1995

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

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

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

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

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

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

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

1. Located within one mile of a river whose entire watershed lies within the confines of the State, and

2. Significantly affecting the water quality of that river,

1 a detailed statement by the responsible official setting forth the
2 following:

- 3 ~~a~~-a1. The environmental impact of the proposed action;
4 ~~b~~-b1. Any significant adverse environmental effects which
5 cannot be avoided should the proposal be
6 implemented;
7 ~~e~~-c1. Mitigation measures proposed to minimize the impact;
8 ~~d~~-d1. Alternatives to the proposed action;
9 ~~e~~-e1. The relationship between the short-term uses of the
10 environment involved in the proposed action and the
11 maintenance and enhancement of long-term
12 productivity; and
13 ~~f~~-f1. Any irreversible and irretrievable environmental
14 changes which would be involved in the proposed
15 action should it be implemented.

16 (2a) Prior to making any detailed statement, the responsible official shall
17 consult with and obtain the comments of any agency which has either
18 jurisdiction by law or special expertise with respect to any
19 environmental impact involved. Any unit of local government or other
20 interested party that may be adversely affected by the proposed action
21 may submit written comment. The responsible official shall consider
22 written comment from units of local government and interested parties
23 that is received within the established comment period. Copies of such
24 detailed statement and such comments shall be made available to the
25 Governor, to such agency or agencies as he may designate, and to the
26 appropriate multi-county regional agency as certified by the Secretary
27 of Administration, shall be placed in the public file of the agency and
28 shall accompany the proposal through the existing agency review
29 processes. A copy of such detailed statement shall be made available
30 to the public and to counties, municipalities, institutions and
31 individuals, upon request.

32 (3) The Governor, and any State agency charged with duties under this
33 Article, may call upon any of the public institutions of higher
34 education of this State for assistance in developing plans and
35 procedures under this Article and in meeting the requirements of this
36 Article, including without limitation any of the following units of the
37 University of North Carolina: the Water Resources Research Institute,
38 the Institute for Environmental Studies, the Triangle Universities
39 Consortium on Air Pollution, and the Institute of Government."

40 Sec. 2. This act is effective upon ratification.