

Reject the Conference Report for H765, “Regulatory Reform Act of 2015”

As reported out of conference, **H765, Regulatory Reform Act of 2015**, is far from a ‘ compromise bill’. Instead, it needlessly rolls back protections for air, water, groundwater, and land across North Carolina.

Section 4.1: Environmental Self-Audit Privilege and Limited Immunity

- Exempts companies that self-report environmental violations from penalties, and grants legal privilege to internal company reports documenting causes and impacts of violations. As such, reduces deterrent effect of penalties and allows bad actors unfair advantage over responsible companies. While criminal investigations can pierce the “privilege,” information is hidden from neighbors and communities.

Section 4.7: Risk Remediation

- Radically expands a state program that lets polluters avoid cleaning up soil and groundwater contamination if they impose land use restrictions. The program will cover most sources of contamination, and reduce final protections for neighbors and the environment. If it’s not safe for coal ash pits and hog lagoons, how can weaker “site specific” clean ups be OK for other polluters?

Section 4.9: Life of Landfill Permits

- Lengthens ten year landfills permits to life-of-site, while dropping fees to levels that will not support adequate agency staffing, and without requiring automatic five-year oversight reviews to identify noncompliance or changed conditions.

Section 4.17: Contested Cases for Air Permits

- Allows industries that do not want to comply with a more protective revised permit to continue to pollute under the existing permit while challenging the stricter permit. But if permit limits are relaxed, the industry can increase pollution immediately, even when the permit is challenged.

Section 4.18: Isolated Wetlands

- Exempts isolated wetlands from regulation up to 1 acre in the coastal region, up to ½ acre in the Piedmont, and up to ⅓ acre in the mountains. Most isolated wetlands are smaller than these regional thresholds. Isolated wetlands protect water quality, provide habitat, and control flooding.

Section 4.19: Coastal Stormwater Requirements

- Relaxes requirements for controlling stormwater pollution from resort development on the coast, providing no upper limit on the amount of development in the riparian buffer or volume of stormwater.

Section 4.25: Air Monitors

- Significantly reduces the number of state air quality monitors, which are vital not only for detecting unexpected declines in air quality, but also, on a daily basis, are used by vulnerable North Carolinians to protect themselves from life-threatening reactions to ambient pollution.

Section 4.27: Air Quality Notice Requirements

- Reduces public access to information about air pollution in their neighborhood. Eliminates requirement to publish notice of violation or public hearings in the newspaper, and uses only agency website.

Section 4.30: Intermittent Streams

- Allows destruction of intermittent streams – streams that flow in winter and spring but dry up in the hot part of the summer – with no requirement for offsetting mitigation elsewhere. Nearly half of North Carolina’s stream miles are ‘intermittent’ streams that provide vital habitat and pollution control.