

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 1062*
Committee Substitute Favorable 5/8/01
Third Edition Engrossed 5/14/01
Senate Finance Committee Substitute Adopted 6/13/01

Short Title: Correct Dry-Cleaning/White Goods Laws.

(Public)

Sponsors:

Referred to:

April 10, 2001

A BILL TO BE ENTITLED

1
2 AN ACT TO CORRECT CERTAIN ENVIRONMENTAL LAWS RELATING TO
3 THE DRY-CLEANING SOLVENT CLEANUP ACT OF 1997 AND THE
4 MANAGEMENT OF WHITE GOODS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Section 23 of S.L. 2000-19 reads as rewritten:

7 "Section 23. Section 1.1 of this act becomes effective April 1, 2003, and expires
8 June 30, 2010. Section 1.2 of this act becomes effective ~~October 1, 2001~~, August 1,
9 2001, and expires January 1, 2010. Sections 3 and 4 of this act are effective on and after
10 April 1, 1998. Section 5.1 of this act becomes effective July 1, 2001. Section 5.2 of this
11 act becomes effective July 1, 2002. Section 5.3 of this act becomes effective July 1,
12 2003. All other sections of this act are effective when this act becomes law."

13 **SECTION 2.(a)** Any person who undertakes assessment or remediation of
14 dry-cleaning solvent contamination pursuant to a notice of violation or enforcement
15 action by the Department of Environment and Natural Resources during the period
16 beginning 1 October 1997 and ending 30 June 2001 may, on or after 30 June 2001 and
17 prior to 1 July 2002, seek reimbursement from the Dry-Cleaning Solvent Cleanup Fund
18 for any costs exceeding fifty thousand dollars (\$50,000). The Environmental
19 Management Commission shall reimburse costs if it finds that the costs incurred were
20 (i) appropriately documented and reasonably necessary to assess or remediate the
21 dry-cleaning solvent contamination; (ii) for any of the activities described in
22 subdivisions (1) through (7) of G.S. 143-215.104N(a); (iii) not subject to any of the
23 limitations in subdivisions (4) through (9) of G.S. 143-215.104N(b); (iv) not
24 reimbursable from pollution and remediation legal liability insurance; and (v) required
25 by a notice of violation or a specific order of the Department of Environment and
26 Natural Resources issued on or after 30 June 1996. No reimbursement may be paid

1 pursuant to this section for dry-cleaning solvent contamination that did not result from
2 operations at a dry-cleaning or wholesale distribution facility.

3 **SECTION 2.(b)** Any person who, as of 30 June 2001, is undertaking
4 assessment or remediation of dry-cleaning solvent contamination may petition the
5 Environmental Management Commission prior to 1 July 2002 to enter into a
6 dry-cleaning solvent assessment agreement or dry-cleaning solvent remediation
7 agreement with respect to the contamination. The Commission shall determine whether
8 the cost of any assessment or remediation performed prior to entry into an agreement is
9 necessary and reasonable. The Commission shall credit the costs of assessment or
10 remediation that it determines to be necessary and reasonable, and that have been paid
11 by the person, toward the financial responsibility requirements applicable to that person
12 under G.S. 143-215.104F.

13 **SECTION 2.(c)** The total of all payments made pursuant to this section in a
14 single fiscal year shall not exceed ten percent (10%) of the revenues credited to the
15 Dry-Cleaning Solvent Cleanup Fund in the preceding fiscal year.

16 **SECTION 3.** Section 19 of S.L. 2000-19 is repealed.

17 **SECTION 4.** Section 22 of S.L. 2000-19 reads as rewritten:

18 "Section 22. This act constitutes a recent act of the General Assembly within the
19 meaning of G.S. 150B-21.1. The Environmental Management Commission and the
20 Commission on Health Services may adopt temporary rules to implement the provisions
21 of this act until 1 July ~~2001~~ 2002."

22 **SECTION 5.** Sections 7, 8, and 9 of Chapter 471 of the 1993 Session Laws
23 are repealed.

24 **SECTION 6.** Section 38 of Chapter 745 of the 1993 Session Laws is
25 repealed.

26 **SECTION 7.** Sections 1, 3, 4, and 7 of this act are effective when the act
27 becomes law. Section 2 of this act is effective retroactively to 1 January 2000. Section
28 5 of this act is effective retroactively to 13 July 2000. Section 6 of this act is effective
29 retroactively to 1 July 1998.