

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 1062*
Committee Substitute Favorable 5/8/01

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~~, July 1, 2001,
9 and expires January 1, 2010. Sections 3 and 4 of this act are effective on and after April
10 1, 1998. Section 5.1 of this act becomes effective July 1, 2001. Section 5.2 of this act
11 becomes effective July 1, 2002. Section 5.3 of this act becomes effective July 1, 2003.
12 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 seek
17 reimbursement from the Dry-Cleaning Solvent Cleanup Fund for any costs exceeding
18 fifty thousand dollars (\$50,000). The Environmental Management Commission shall
19 reimburse costs if it finds that the costs incurred were (i) appropriately documented and
20 reasonably necessary to assess or remediate the dry-cleaning solvent contamination; (ii)
21 for any of the activities described in subdivisions (1) through (7) of G.S.
22 143-215.104N(a); (iii) not subject to any of the limitations in subdivisions (4) through
23 (9) of G.S. 143-215.104N(b); (iv) not reimbursable from pollution and remediation legal
24 liability insurance; and (v) required by a notice of violation or a specific order of the
25 Department of Environment and Natural Resources issued on or after 30 June 1996. No
26 reimbursement may be paid pursuant to this section for dry-cleaning solvent
27 contamination that did not result from operations at a dry-cleaning or wholesale
28 distribution facility.

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

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

13 **SECTION 3.** Section 5 of S.L. 1997-392, as amended by Section 17 of S.L.
14 2000-109, reads as rewritten:

15 "Section 5. This act constitutes a recent act of the General Assembly within the
16 meaning of G.S. 150B-21.1. The Environmental Management Commission may adopt
17 temporary rules to implement this act until ~~30 June 2001~~. 1 July 2002."

18 **SECTION 4.** Section 19 of S.L. 2000-19 is repealed.

19 **SECTION 5.** Section 22 of S.L. 2000-19 reads as rewritten:

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

24 **SECTION 6.** Sections 7, 8, and 9 of Chapter 471 of the 1993 Session Laws
25 are repealed.

26 **SECTION 7.** Section 38 of Chapter 745 of the 1993 Session Laws is
27 repealed.

28 **SECTION 8.** Sections 1, 3, 4, 5, and 8 of this act are effective when the act
29 becomes law. Section 2 of this act is effective retroactively to 1 January 2000. Section
30 6 of this act is effective retroactively to 13 July 2000. Section 7 of this act is effective
31 retroactively to 1 July 1998.