

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

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**HOUSE BILL 2497**

Short Title: Amend Bernard Allen Emer. Drinking Water Fnd. (Public)

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Sponsors: Representatives Allen, Gibson, Harrison (Primary Sponsors); Alexander, Glazier, and Justice.

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Referred to: Appropriations.

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May 26, 2008

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE BERNARD ALLEN MEMORIAL EMERGENCY  
2 DRINKING WATER FUND TO ALLOW FOR PAYMENT OF ADDITIONAL  
3 NOTIFICATION AND TESTING.  
4

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 87-98 reads as rewritten:

7 "**§ 87-98. Bernard Allen Memorial Emergency Drinking Water Fund.**

8 (a) The Bernard Allen Memorial Emergency Drinking Water Fund is established  
9 under the control and direction of the Department. The Fund shall be a nonreverting,  
10 interest-bearing fund consisting of monies appropriated by the General Assembly or  
11 made available to the Fund from any other source and investment interest credited to the  
12 Fund.

13 (b) The Fund may be used to pay for notification, to the extent practicable, of  
14 persons aged 18 and older who reside in any dwelling unit, and the senior official in  
15 charge of any business, at which drinking water is supplied from a private drinking  
16 water well or improved spring that is located within 1,500 feet of, and at risk from,  
17 known groundwater contamination. The senior official in charge of the business shall  
18 take reasonable measures to notify all employees of the business of the groundwater  
19 contamination, including posting a notice of the contamination in a form and at a  
20 location that is readily accessible to the employees of the business. The Fund may also  
21 be used by the Department ~~to~~ to: (i) pay the costs of testing of private drinking water  
22 wells and improved springs for suspected contamination up to once every three years  
23 upon request by a person who uses the well and for the temporary or permanent  
24 provision of alternative drinking water supplies to persons whose drinking water well or  
25 improved spring is ~~contaminated~~ contaminated, and (ii) pay for additional notification  
26 and testing where an initial set of well tests identifies a larger range of contamination.  
27 Under this subsection, an alternative drinking water supply includes the repair or  
28 replacement of a contaminated well or the connection to a public water supply.

1 (c) The Department shall disburse monies from the Fund based on financial need  
2 and on the risk to public health posed by groundwater contamination and shall give  
3 priority to the provision of services under this section to instances when an alternative  
4 source of funds is not available. The Fund shall not be used for remediation of  
5 groundwater contamination. Nothing in this section expands, contracts, or modifies the  
6 obligation of responsible parties under Article 9 or 10 of Chapter 130A of the General  
7 Statutes, this Article, or Article 21A of this Chapter to assess contamination, identify  
8 receptors, or remediate groundwater or soil contamination. The Fund shall not be used  
9 to provide alternative water supply to households with incomes greater than three  
10 hundred percent (300%) of the current federal poverty level. The Fund shall not be used  
11 to provide alternative drinking water supplies unless the concentration of one or more  
12 contaminants in the private drinking water well or improved spring exceeds the  
13 Maximum Contaminant Level, or the federal drinking water action level as defined in  
14 40 Code of Federal Regulations § 141.1 through § 141.571 (1 July 2006) and 40 Code  
15 of Federal Regulations § 143.3 (1 July 2006). The Fund shall not be used to provide  
16 temporary water supplies in any calendar quarter until all needs for permanent  
17 replacement water supplies that have been identified in that calendar quarter have been  
18 met through hookups to public water supplies, repair, or replacement of contaminated  
19 wells. In disbursing monies from the Fund, preference shall be given to providing  
20 permanent replacement water supplies by connection to public water supplies and repair  
21 or replacement of contaminated wells over the provision of temporary water supplies.

22 (d) The Department shall establish criteria by which the Department is to  
23 evaluate applications and disburse monies from this Fund and may adopt any rules  
24 necessary to implement this section.

25 (e) The Department, in consultation with the Commission for Public Health and  
26 local health departments, shall report no later than 1 October of each year to the  
27 Environmental Review Commission, the House of Representatives and Senate  
28 Appropriations Subcommittees on Natural and Economic Resources, and the Fiscal  
29 Research Division of the General Assembly on the implementation of this section. The  
30 report shall include the purpose and amount of all expenditures from the Fund during  
31 the prior fiscal year, a discussion of the benefits and deficiencies realized as a result of  
32 the section, and may also include recommendations for any legislative action."

33 **SECTION 2.** This act is effective when it becomes law.