

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

H

1

HOUSE BILL 1062*

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

(Public)

Sponsors: Representative Gibson.

Referred to: Finance.

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~~, May 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. 143-
22 215.104N(a); (iii) not subject to any of the limitations in subdivisions (4) through (9) of
23 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 (b) Any person who, as of 30 June 2001, is undertaking assessment or
2 remediation of dry-cleaning solvent contamination may petition the Environmental
3 Management Commission to enter into a dry-cleaning solvent assessment agreement or
4 dry-cleaning solvent remediation agreement with respect to the contamination. The
5 Commission shall determine whether the cost of any assessment or remediation
6 performed prior to entry into an agreement is necessary and reasonable. The
7 Commission shall credit the costs of assessment or remediation that it determines to be
8 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 (c) The total of all payments made pursuant to this section in a single fiscal
11 year shall not exceed ten percent (10%) of the revenues credited to the Dry-Cleaning
12 Solvent Cleanup Fund in the preceding fiscal year.

13 **SECTION 3.** Section 5 of Chapter 392 of the 1997 Session Laws, as
14 amended by Section 17 of Chapter 19 of the 2000 Session Laws, 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 22 of Chapter 19 of the 2000 Session Laws reads as
19 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 5.** Section 9.(a) of S.L. 2000-109 is rewritten to read:

25 "Section 9.(a) Section 11 of Chapter 471 of the 1993 Session Laws, as
26 amended by Section 15.1.(b) of Chapter 769 of the 1993 Session Laws and Section 7
27 of S.L. 1998-24, reads as rewritten:

28 `Sec. 11. Sections 1 through 5 of this act and this section become effective January
29 1, 1994. ~~Section 3 of this act expires July 1, 2001. Section 6 of this act becomes~~
30 ~~effective July 1, 2001. Sections 7, 8, and 9 of this act become effective July 1, 2002.~~

31 ~~The repeal of the tax imposed by Section 3 of this act does not affect the rights or~~
32 ~~liabilities of the State, a taxpayer, or another person that arose during the time the tax~~
33 ~~was in effect. The first report submitted by the Department to the Environmental~~
34 ~~Review Commission under G.S. 130A-309.85, as enacted by this act, shall cover the~~
35 ~~period from January 1, 1994, to June 30, 1994."~~

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

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

40 **SECTION 8.** Section 1, 3, 4, and 8 of this act are effective when the act
41 becomes law. Section 2 of this act is effective retroactively to 1 January 2000. Sections

- 1 5 and 6 of this act are effective retroactively to 13 July 2000. Section 7 of this act is
- 2 effectively retroactively to 1 July 1998.