

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 1063*
Committee Substitute Favorable 4/24/01
Third Edition Engrossed 4/26/01

Short Title: Pay for Performance/LUST Cleanups.

(Public)

Sponsors:

Referred to:

April 10, 2001

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR PERFORMANCE-BASED CLEANUPS OF
DISCHARGES OR RELEASES OF PETROLEUM FROM UNDERGROUND
STORAGE TANKS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-215.94B is amended by adding a new subsection to
read:

"(f) On the first day of each fiscal quarter, the Department may allocate up to fifty percent (50%) of the funds in the Commercial Fund that are not otherwise obligated for performance-based cleanups as provided in this subsection. The Department may also use any funds that are available from any other source and that are specifically intended to be used for performance-based cleanups as provided in this section. Each performance-based cleanup shall comply with the requirements of this Part and any other provisions of law that govern the cleanup of environmental damage resulting from the discharge or release of a petroleum product from a commercial underground storage tank. The Department may contract for performance-based cleanups with licensed professionals, including Professional Engineers, Professional Geologists, Registered Environmental Consultants, and other professional consultants that the Department has determined to be qualified to satisfactorily complete the work associated with a cleanup. A performance-based contract shall provide that cleanup will be completed within the time and for the cost stated in the contract. The Department shall select contractors for performance-based cleanup through a competitive bidding process that is open to all qualified professionals. The Department shall award a performance-based contract to the qualified contractor who submits the lowest responsible bid."

SECTION 2. G.S. 143-215.94D is amended by adding a new subsection to
read:

"(f) On the first day of each fiscal quarter, the Department may allocate up to fifty percent (50%) of the funds in the Noncommercial Fund that are not otherwise obligated

1 for performance-based cleanups as provided in this subsection. The Department may
2 also use any funds that are available from any other source and that are specifically
3 intended to be used for performance-based cleanups as provided in this section. Each
4 performance-based cleanup shall comply with the requirements of this Part and any
5 other provisions of law that govern the cleanup of environmental damage resulting from
6 the discharge or release of a petroleum product from a noncommercial underground
7 storage tank. The Department may contract for performance-based cleanups with
8 licensed professionals, including Professional Engineers, Professional Geologists,
9 Registered Environmental Consultants, and other professional consultants that the
10 Department has determined to be qualified to satisfactorily complete the work
11 associated with a cleanup. A performance-based contract shall provide that cleanup will
12 be completed within the time and for the cost stated in the contract. The Department
13 shall select contractors for performance-based cleanup through a competitive bidding
14 process that is open to all qualified professionals. The Department shall award a
15 performance-based contract to the qualified contractor who submits the lowest
16 responsible bid."

17 **SECTION 3.** G.S. 143-215.94G is amended by adding a new subsection to
18 read:

19 "(a3) The Department may implement the provisions of subsection (a) of this
20 section as provided in G.S. 143-215.95B(f) and G.S. 143-215.94D(f)."

21 **SECTION 4.** This act becomes effective July 1, 2001.