

April 7, 2003

H 897. UNDERGROUND STORAGE TANK PRGM. AMENDS 2003 (=S 732). *TO MAKE IMPROVEMENTS IN THE REGULATION OF PETROLEUM UNDERGROUND STORAGE TANKS AND TO THE LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP PROGRAM.* Identical to S 732, introduced 4/3/03.

Intro. by Gibson.

Ref. to Environment

GS 150B

April 30, 2003

H 897. UNDERGROUND STORAGE TANK PRGM. TESTING REQ. (NEW) Intro. 4/2/03. House committee substitute adopted 4/29/03 makes the following changes to 1st edition. Changes title, but makes no substantive changes to the bill.

July 8, 2003

H 897. UNDERGROUND STORAGE TANK PRGM. AMENDS (NEW). Intro. 4/7/03. Senate committee substitute makes the following changes to 2nd edition. Modifies sec. 1 (authorizing the Environmental Management Comm'n to adopt temporary and permanent rules) by deleting the requirements regarding consultation, notification, and public hearing prior to adoption of such rules. Contains new sections as follows. Amends GS 143-215.94A to add a definition of cost-effective cleanup. Amends GS 143-215.94(b) and GS 143-215.94D(d) to provide that neither the Commercial Fund nor the Noncommercial Fund may be used for costs in excess of those required to achieve the most cost-effective cleanup. Amends 143-215.94B(f) and GS 143-215.94D(f) to provide that effective Oct. 1, 2006, during each fiscal year the Dep't may use up to \$2,500,000 of the Commercial Fund and \$250,000 of the Noncommercial Fund for performance-based cleanups, amends the provisions in those sections regarding contracting for performance-based cleanups with environmental services firms, and adds a provision requiring such firms to secure bonds. Repeals GS 143-215.94E(f). Amends GS 143-215.94T (adoption and implementation of regulatory program) to require that rules include certain standards and requirements for secondary containment for nontank components of petroleum underground storage tank systems. Amends GS 143-215.94V (standards for petroleum underground storage tank cleanup) to state that the General Assembly intends that the Commercial and Noncommercial Funds be used to perform the most cost-effective cleanup that addresses imminent threats to human health and the environment and to effectuate that intent. Same amendment also provides for cleanup of a discharge or release of petroleum from an underground storage tank that is commingled with a discharge or release from a source other than an underground storage tank. Adds a new section temporarily providing that cleanups proceed only after preapproval by the Dep't pursuant to a schedule based on the degree of risk to human health and the environment and other factors. Provides that the Environmental Review Comm'n may study and report on certain issues related to the Leaking Petroleum Underground Storage Tank Cleanup Program. Makes technical changes.

August 4, 2003

SL 2003-352 (H 897). UNDERGROUND STORAGE TANK PROGRAM AMENDMENTS. *AN ACT TO IMPROVE THE SOLVENCY OF THE COMMERCIAL LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP FUND AND THE NONCOMMERCIAL LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP FUND BY TEMPORARILY REQUIRING THAT CLEANUPS PROCEED ONLY AFTER PREAPPROVAL BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES PURSUANT TO A SCHEDULE BASED ON THE DEGREE OF RISK TO HUMAN HEALTH AND THE ENVIRONMENT AND OTHER FACTORS; TO PROVIDE THAT PAYMENT OR REIMBURSEMENT FROM THE COMMERCIAL FUND AND NONCOMMERCIAL FUND BE LIMITED TO THAT NECESSARY TO ACHIEVE THE MOST COST-EFFECTIVE CLEANUP; TO PROVIDE FOR THE IMPLEMENTATION OF PERFORMANCE-BASED CLEANUPS; TO MINIMIZE FUTURE DISCHARGES AND RELEASES BY AUTHORIZING THE ADOPTION OF RULES TO REQUIRE THE USE OF SECONDARY CONTAINMENT FOR PETROLEUM UNDERGROUND STORAGE TANK SYSTEMS; TO AUTHORIZE THE ENVIRONMENTAL MANAGEMENT COMMISSION TO ADOPT TEMPORARY AND PERMANENT RULES TO REDUCE CERTAIN TESTING REQUIREMENTS APPLICABLE TO THE LEAKING UNDERGROUND STORAGE TANK CLEANUP PROGRAM TO REDUCE COSTS; TO PROVIDE THAT A MIXED PLUME OF CONTAMINATION THAT RESULTS FROM RELEASES OF PETROLEUM FROM BOTH AN UNDERGROUND STORAGE TANK AND AN ABOVEGROUND STORAGE TANK OR OTHER SOURCE MAY BE CLEANED UP UNDER THE RISK-BASED CLEANUP RULES APPLICABLE TO RELEASES FROM PETROLEUM UNDERGROUND STORAGE TANKS; AND TO AUTHORIZE THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO THE LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP PROGRAM IN ORDER TO PROTECT PROPERTY VALUES, ENSURE TIMELY REIMBURSEMENT OF PERSONS WHO ENGAGE IN CLEANUPS, AND PROTECT GROUNDWATER.*

Summarized in *Daily Bulletin* 4/7/03, 4/30/03, and 7/8/03. Enacted July 27, 2003. Effective July 27, 2003. Section 10 expires October 1, 2005.