

March 24, 2005

**S 1121. DEFENSES TO LIABILITY FOR ENV. CLEANUPS. TO PROMOTE ECONOMIC DEVELOPMENT BY FACILITATING THE REUSE OF CONTAMINATED REAL PROPERTY BY CLARIFYING THE CIRCUMSTANCES UNDER WHICH THE OWNERS OF REAL PROPERTY HAVE A DEFENSE AGAINST LIABILITY FOR THE CLEANUP OF ENVIRONMENTAL DAMAGE AND RESTORATION OF NATURAL RESOURCES AND BY MAKING THAT DEFENSE APPLICABLE TO STATE CLEANUP PROGRAMS.** Enacts new GS 143B-279.13 to provide defenses to liability for environmental cleanups for certain landowners. Applies only to liabilities arising from causes of action or claims of the State. Provides that a person who would otherwise be liable as a landowner for cleanup and restoration of natural resources is not liable if that person can show they are (1) an innocent landowner as that term is defined in the new section, (2) a prospective purchaser as that term is defined in the new section, or (3) a prospective developer under the provisions of Part 5 of Article 9 of GS Chapter 130A (Brownfields Property Reuse Act). Makes conforming amendments to other statutes. Amends GS 130A-310.7(a1) to allow the State to bring action for reimbursement of the Inactive Hazardous Sites Cleanup Fund in Wake County or in federal court, as well as in the county in which the site is located. Also provides the State a lien on the site for the unrecovered costs of developing and implementing the remedial action program. Amends GS 130A-310.3 to provide that any owner or other responsible party who satisfies the Secretary that the party has implemented an inactive hazardous substance or waste disposal site remedial action program is not required to clean up environmental damage that results from the same release or to restore damaged natural resources. Amends GS 130A-310.34(b) to shorten the public comment period relating to proposed brownfield agreements from 60 to 30 days and to shorten time for request for a public hearing on the agreement from 30 to 21 days. Amends GS 105-277.13(a) to provide that a person who caused or contributed to contamination of a brownfields property is not eligible for property tax relief based upon the defenses provided by new GS 143B-279.13 described above. All amendments effective January 1, 2006.

**Intro. by Clodfelter.**

Ref. to Judiciary I

GS 105, 130A, 143, 143B

May 31, 2005

**S 1121. BROWNFIELDS PROPERTY REUSE ACT AMENDMENTS (NEW).** Intro. 3/24/05. Senate committee substitute deletes all provisions of the 1st edition and replaces it with *AN ACT TO AMEND THE BROWNFIELDS PROPERTY REUSE ACT OF 1997*. Amends GS 130A-310.31(b) to exclude from the definition of a "brownfields site" a site listed on the National Priorities List and to modify definitions of "unrestricted use standards" and "prospective developer." Amends GS 130A-310.34 to reduce public comment period for a Notice of Intent to Redevelop a Brownfields Property from 60 to 30 days and the period within which a person must submit a written request for a public meeting from 30 to 21 days. Also requires that notice of hearing be given 15 (was, 30) days in advance of hearing. Amends GS 130A-310.37(c) to prohibit Dep't of Health and Human Services from entering into a brownfields agreement for a site listed on the National Priorities List (was, a federal Superfund site). Effective January 1, 2006. Committee substitute is identical to house committee substitute H 1099, adopted 5/26/05.

June 21, 2006

**S 1121. BROWNFIELDS PROPERTY REUSE ACT AMENDMENTS.** Filed 3/23/05. House committee substitute makes the following changes to 2nd edition. Changes the effective date from January 1, 2006, to January 1, 2007.

July 11, 2006

**SL 2006-71 (S 1121). BROWNFIELDS PROPERTY REUSE ACT AMENDMENTS. AN ACT TO AMEND THE BROWNFIELDS PROPERTY REUSE ACT OF 1997.** Summarized in *Daily Bulletin* 5/31/05 and 6/21/06. Enacted July 10, 2006. Effective January 1, 2007.