

March 21, 2007

**S 1362. AMEND DRY-CLEANING SOLVENT CLEANUP ACT.** Filed 3/21/07. *TO AMEND THE DRY-CLEANING SOLVENT CLEANUP ACT TO PROVIDE THAT ALL SITE WORK WILL BE PERFORMED BY AN INDEPENDENT CONTRACTOR RETAINED BY THE ENVIRONMENT MANAGEMENT COMMISSION AND TO INCREASE THE ANNUAL SPENDING CAP FOR THE CLEANUP OF SITES.*

To be summarized in tomorrow's *Daily Bulletin*.

**Intro. by Clodfelter.**

GS 143

March 22, 2007

**S 1362. AMEND DRY-CLEANING SOLVENT CLEANUP ACT.** Filed 3/21/07. *TO AMEND THE DRY-CLEANING SOLVENT CLEANUP ACT TO PROVIDE THAT ALL SITE WORK WILL BE PERFORMED BY AN INDEPENDENT CONTRACTOR RETAINED BY THE ENVIRONMENT MANAGEMENT COMMISSION AND TO INCREASE THE ANNUAL SPENDING CAP FOR THE CLEANUP OF SITES.*

Amends GS 143-215.104I and makes changes throughout GS Chapter 143 to provide that dry-cleaning solvent cleanup site work will be performed by an independent contractor retained by the Environmental Management Commission (EMC) instead of being retained by the responsible party. Also makes conforming changes to GS 143-215.104C concerning payments made from the Dry Cleaning Solvent Cleanup Fund, removing the ability to use the fund for reimbursement of costs. Amends GS 143-215.104J to authorize the EMC to terminate or renegotiate an assessment agreement when a petitioner fails to pay the amounts for which the petitioner is responsible. Amends GS 143-215.104L to require the EMC to publish notices of public meetings (was, the EMC must direct the petitioner to publish notice). Amends GS 143-215.104M to allow a property owner to file a remediation notice that has been approved by the EMC (was, prepare and submit a remediation notice to the EMC for approval). Amends GS 143-215.104N to increase the caps on payments from the fund for assessment and remediation costs from \$200,000 to \$500,000 for most sites and from \$400,000 to \$1 million for costs in connection with sites that pose an imminent hazard. Amends GS 143-215.104P to authorize civil penalties for failure to comply with Air Pollution Control and Solid Waste Management rules that apply to dry-cleaning solvents. Makes conforming changes to GS 143-215.104D, GS 143-215.104F, GS 143-215.104H, GS 143-215.104K, GS 143-215.104L, and GS 143-215.104T. Makes technical changes. Effective July 1, 2007.

**Intro. by Clodfelter.**

GS 143

May 15, 2007

**S 1362. AMEND DRY-CLEANING SOLVENT CLEANUP ACT.** Filed 3/21/07. Senate committee substitute makes the following changes to 1st edition. Changes title to *AN ACT TO AMEND THE DRY-CLEANING SOLVENT CLEANUP ACT TO CLARIFY THE DEFINITION OF DRY-CLEANING SOLVENT, TO AUTHORIZE THE USE OF FUNDS FROM THE DRY-CLEANING SOLVENT CLEANUP FUND FOR THE INVESTIGATION OF INACTIVE HAZARDOUS WASTE DISPOSAL SITES REASONABLY BELIEVED TO BE CONTAMINATED BY DRY-CLEANING SOLVENT, TO PROVIDE THAT ALL SITE WORK WILL BE PERFORMED BY A PRIVATE CONTRACTOR RETAINED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION, TO MODIFY THE FINANCIAL RESPONSIBILITY REQUIREMENTS APPLICABLE TO POTENTIALLY RESPONSIBLE PARTIES, AND TO INCREASE THE ANNUAL SPENDING CAP FOR THE CLEANUP OF SITES.* Changes the definition of *dry-cleaning solvent* in GS 143-215.104B(b) to *any hydrocarbon or halogenated hydrocarbon used as a solvent in a dry-cleaning operation or the degradation products from these solvents.* Adds a new definition of *halogenated hydrocarbon* and enacts new GS 143-215.104C(d) authorizing the Department of Environment and Natural Resources to use up to 1% of the Dry-Cleaning Solvent Cleanup Fund balance each fiscal year to investigate inactive hazardous substance disposal sites that the Department believes are contaminated by dry-cleaning solvents. Enacts new GS 143-215.104F(a1) providing that each person petitioning for certification of a facility or an abandoned site pursuant to GS 143-215.104G must pay an application fee of \$1,000 to the

Environmental Management Commission, to be credited to the Dry-Cleaning Solvent Cleanup Fund, as noted above and makes conforming change to GS 143-215.104C. Also makes stylistic changes to GS 143-215.104G(a). Amends GS 143-215.104G(d) to make it permissive, rather than required, for the Commission to reject petitions for certification under the circumstances set forth in the subsection. Amends GS 143-215.104G(f) to provide that the financial responsibility required of persons petitioning the Commission to certify a facility or abandoned site is (1) 1% of the costs of assessment or remediation not exceeding \$1 million for dry-cleaning facilities owned by persons who employ fewer than the equivalent of five full-time employees, (2) 1.5% of the costs of assessment or remediation not exceeding \$1 million for abandoned dry-cleaning facility sites and for dry-cleaning facilities owned by persons who employ at least five but fewer than ten full-time employees, and (3) 2% of the costs of assessment or remediation not exceeding \$1 million for wholesale distribution facilities and for dry-cleaning facilities owned by persons who employ ten or more full-time employees. Repeals GS 143-215.104G(f)(4), which set forth financial responsibility requirements for abandoned sites and wholesale facilities. Amends GS 105-187.31 (privilege tax on dry-cleaning solvent retailers) by changing the reference to a *dry-cleaning solvent that is chlorine based* to *halogenated hydrocarbon-based dry-cleaning solvent*. Also amends the effective date of the act as follows: New GS 143-215.105F(a1) is effective on August 1, 2007, and applies to applications for certifications for assessments and remediation agreements entered into on or after that date. The amendments to GS 143-215.104F(f) are effective retroactively to August 1, 2001. All other amendments to GS 143-215.104F are effective July 1, 2007.

June 28, 2007

**S 1362. AMEND DRY-CLEANING SOLVENT CLEANUP ACT.** Filed 3/21/07. Senate committee substitute makes the following changes to 2nd edition. Amends proposed GS 143-215.104P(a)(3a) and (3b) to specify which statutes govern enforcement of each subdivision. Provides that if the Environmental Management Commission (EMC) adopts rules establishing a risk-based approach to the assessment, prioritization, and remediation of dry-cleaning solvent contamination, and the Rules Review Commission approves the rules and then receives 10 or more letters of objection, the EMC may adopt the rules as temporary rules. Makes technical changes and makes a conforming title change. Amends the effective date provision to (1) make GS 143-215.104F(a1) (application fees), effective September 1, 2007; (2) change from July 1 to September 1, 2007, the cut-off date for payments to be credited and clarify that there is no right to demand a refund of these funds; (3) specify that GS 143-215.104N(b)(6) (which the act amends to increase maximum disbursement amounts) is effective retroactively to January 1, 2007; (4) specify that the amendments to GS 143-215.104P(a) (civil penalties) are effective January 1, 2008; (5) specify that the amendment to GS 143-215.104T(b) (expanding the state's immunity) is effective retroactively to January 1, 1998; and (6) change the effective date of the remainder of the act from July 1, 2007, to when the act becomes law.

July 19, 2007

**S 1362. AMEND DRY-CLEANING SOLVENT CLEANUP ACT.** Filed 3/21/07. House committee substitute makes the following changes to 3rd edition. Deletes proposed amendments to GS 143-215.104P(a) providing for civil penalties for failure to comply with certain rules that apply to dry-cleaning solvents. Makes conforming changes to the effective date.

September 4, 2007

**SL 2007-530 (S 1362). AMEND DRY-CLEANING SOLVENT CLEANUP ACT. AN ACT TO AMEND THE DRY-CLEANING SOLVENT CLEANUP ACT TO CLARIFY THE DEFINITION OF DRY-CLEANING SOLVENT, TO AUTHORIZE THE USE OF FUNDS FROM THE DRY-CLEANING SOLVENT CLEANUP FUND FOR THE INVESTIGATION OF INACTIVE HAZARDOUS WASTE DISPOSAL SITES REASONABLY BELIEVED TO BE CONTAMINATED BY DRY-CLEANING SOLVENT, TO PROVIDE THAT ALL SITE WORK WILL BE PERFORMED BY A PRIVATE CONTRACTOR RETAINED BY THE ENVIRONMENTAL MANAGEMENT**

COMMISSION, TO MODIFY THE FINANCIAL RESPONSIBILITY REQUIREMENTS APPLICABLE TO POTENTIALLY RESPONSIBLE PARTIES, TO AUTHORIZE TEMPORARY RULE MAKING, AND TO INCREASE THE ANNUAL SPENDING CAP FOR THE CLEANUP OF SITES. Summarized in *Daily Bulletin* 3/22/07, 5/15/07, 6/28/07, and 7/19/07. Enacted August 31, 2007. Effective August 31, 2007, except as provided in subsections 15.(a)–(c).