



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 1337*

AMENDMENT NO. 3
(to be filled in by
Principal Clerk)

S1337-ALD-59 [v.3]

Page 1 of 2

Comm. Sub. [YES]
Amends Title [NO]
Fourth Edition

Date 7/1, 2010

Representative Crawford

1 moves to amend the bill on page 4, line 11, by deleting that line and substituting the following
2 to read:

3 **"SECTION 4.** G.S. 143-215.94E(c) reads as rewritten:

4 '(c) In the case of a discharge or release from a noncommercial underground storage
5 tank or a commercial underground storage tank eligible for the Noncommercial Fund in
6 accordance with G.S. 143-215.94D(b), where the owner or operator has been identified and has
7 proceeded with the cleanup, the owner or operator may elect to have the Noncommercial Fund
8 pay or reimburse the owner or operator for ~~the~~ any costs described in G.S. 143-215.94D(b1) up
9 to a maximum of one million dollars (\$1,000,000) per discharge or release.'

10 **SECTION 5.** G.S. 143-215.94E(c1) reads as rewritten:

11 '(c1) In the case of a discharge or release from a noncommercial underground storage
12 tank where the owner and operator cannot be identified or located, or where the owner and
13 operator fail to proceed as required by subsection (a) of this section, if the current landowner of
14 the land in which the noncommercial underground storage tank is located notifies the
15 Department in accordance with G.S. 143-215.85 and undertakes to collect and remove the
16 discharge or release and to restore the area affected in accordance with the requirements of this
17 Article and applicable federal and State laws, regulations, and rules, the current landowner may
18 elect to have the Noncommercial Fund pay or reimburse the current landowner for ~~ninety~~
19 ~~percent (90%) of any costs described in subdivisions (1) and (2) of G.S. 143-215.94D(b1) that~~
20 ~~exceed five thousand dollars (\$5,000).~~ G.S. 143-215.94D(b1). Eligibility for reimbursement
21 under this subsection may be transferred to a subsequent landowner from a current ~~landowner~~
22 ~~who has paid the costs for which the landowner is responsible under this subsection.~~ landowner.
23 The sum of payments from the Noncommercial Fund and from all other sources shall not
24 exceed one million dollars (\$1,000,000) per discharge or release. This subsection shall not be
25 construed to require a current landowner to clean up a discharge or release of petroleum from
26 an underground storage tank for which the current landowner is not otherwise responsible. This

ADOPTED



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1 subsection does not alter any right, duty, obligation, or liability of a current landowner, former
2 landowner, subsequent landowner, owner, or operator under other provisions of law. This
3 subsection shall not be construed to limit the authority of the Department to engage in a
4 cleanup under this Article or any other provision of law. The current landowner shall submit
5 documentation of all expenditures as required by G.S. 143-215.94G(b).'

6 **SECTION 6.** This act is effective when it becomes law."
7

SIGNED *JW Crawford Jr*
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED 106 - 0 EV FAILED _____ Tabled _____
(adj)

JUL 1 2010

Livise Wecker

ADOPTED